
Veterinary Practice Act Review

2012

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Veterinary Association by
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Executive Summary

Every state and territory in Australia has a veterinary practice Act, and each has a veterinary registration board. At present the state and territory legislation is markedly different across the jurisdictions. While the profession is some way through the process of adopting national recognition of veterinary registration which will allow a single-transaction Australia-wide registration for veterinarians, this will not address the differences in the current legislation.

It is recognised that legislation for the veterinary profession is necessarily State or Territory based under the Constitution of Australia, however many other pieces of legislation have been harmonised under COAG agreements to give effect to a single purpose and intent of the various jurisdictional legislation. The health profession in 2010 introduced legislation into the states and territories to allow national regulation of their profession.

The current veterinary Acts differ in many ways, including for example, what is a restricted act only to be performed by a registered veterinarian, the need for and reporting of continuing professional development, the recompense of the Board, how impaired veterinarians are treated, and the need for professional indemnity and liability insurance as a condition of registration.

In the past, every time the State or Territory Acts or Regulations came up for review, the relevant AVA Division has made a separate submission on their position on the changes proposed; usually this has occurred without consultation with the national AVA or other Divisions.

The goal of this paper is to establish a resource which clearly defines the current differences in veterinary legislation, to allow consistent AVA submissions to the different governments, and for the AVA to be proactive in lobbying governments for relevant changes needed to the current legislation to progress towards national harmonisation.

The case for harmonisation would not be strong if pure professional convenience is the deciding factor. Less than 15% of veterinarians hold registration in two or more jurisdictions. Most of these registrations are either specialists or working in the live animal export industry. A stronger case for harmonisation could be built on the premise of the welfare of animals. The current situation leaves many loopholes and confused interpretation of the various legislation options. This includes the veterinary care of production animals, veterinary oversight of research and experimentation on animals and ecology and wildlife monitoring.

The original intent of this paper was to establish a Model Veterinary Practice Act similar to the one developed by the American Veterinary Medical Association (AVMA). On looking into the present position of the AVMA's Model Veterinary Practice Act it was found that they have had a large numbers of comments from their members on the Model Act and are presently reviewing it. I recommend it would be better for the AVA to initially establish **a set of key principles** to be adopted into all state and territory legislation. Only once these have had member consultation and acceptance should the AVA move towards writing a model Act.

The key principle areas of significance that I recommend the AVA should work for harmonisation across the jurisdictions are:

- Restricted acts of veterinary science
- Board composition and tenure
- National recognition of veterinary qualifications
- Registration of veterinarians
- Disciplinary proceedings
- Regulation of veterinary premises
- Requirements for continuing professional development
- Impaired veterinarian legislation
- A common approach to the purposes of the legislation
- Ability to share information across government agencies

There are several other areas outside those mentioned above also covered in this paper for the AVA Board to review and consider.

The paper examines the present situation over the various Acts. It then gives some recommendations as to what should be included in the legislation and where AVA may need more member input or to establish working parties to consider what to include. It is important that this document is seen as a basis for discussion and member consultation, and that member feedback is sought before adopting any of its recommendations

Note: This paper is an initial review and its recommendations still need further member consultation and consideration. There may be omissions or unintended errors in this draft
Throughout the paper where referring to states, it implies to include territories

AVA Policies relating to veterinary practice legislation

The AVA already has many policies that relate directly or indirectly to the content of the state veterinary practice Acts. The policy below, **Registration to practise as a veterinarian** directly addresses this legislation. This policy should be reviewed as part of the member consultation process recommended by this paper.

Registration to practise as a veterinarian

Policy

The Australian Veterinary Association (AVA) supports the current situation in which veterinarians performing acts of veterinary science for the public are required by legislation to be registered by veterinary boards in the states and territories. The AVA believes that all veterinarians, including government employees, should be registered, even if their activities are limited to internal advice and policy development. This gives the public assurance of the expertise employed, particularly in the event of adverse outcomes and litigation.

The AVA would not support regulation of veterinarians by other groups.

The AVA believes that continuing education is an obligation for registered veterinarians, to ensure that they have contemporary knowledge in their area of practice.

AVA policy is that all practitioners should hold liability insurance.

Background

Veterinarians performing acts of veterinary science for the public must be registered. Acts requiring registration to practise were enacted in all jurisdictions early in the 1900s. They were introduced to address serious animal welfare issues and fraudulent or incompetent acts by unqualified persons. Veterinarians are also bound by civil law, and recourse to the courts is available for members of the public who believe that the processes of the veterinary boards have been inappropriate. Veterinary practice is also regulated under drugs and poisons and animal welfare legislation, which limits many activities to registered veterinarians.

Legislation in each state and territory establishes veterinary boards and provides powers for the veterinary boards to:

- register and regulate veterinarians
- investigate allegations of negligence or misconduct by registered veterinarians
- discipline and, if necessary, deregister veterinarians in its jurisdiction
- investigate and regulate the performance of 'acts of veterinary science' (or surgery or medicine) (except the Victorian Act, which has been reviewed and amended under competition policy).

Legislation typically:

- specifies those 'acts' that can only be undertaken by registered veterinarians
- provides for a tribunal to investigate complaints, professional misconduct and negligence
- provides for a register to be kept

- prescribes qualifications for registration or to restrict the nature of practice that can be performed when the veterinarian's qualifications do not permit general registration
- restricts the use of the title 'veterinary' and the nature of advertising (although these restrictions are being loosened under trade practices legislation).

'Acts of veterinary science' typically may include, but are not limited to:

- surgical procedures performed on animals that involve bodily invasion (excluding castration, tail docking, mulesing, dehorning, horn tipping, administration of injections to commercial livestock, de-beaking of chickens and deer velveting)
- obstetrical procedures performed on animals (excluding manual manipulation of dystocias, artificial insemination of cattle and chicken sexing)
- medical procedures performed on animals involving the accurate diagnosis of infectious disease, metabolic conditions or specific physiological states
- prescription of restricted drugs, chemicals or vaccines, and supervision of treatments that involve their administration
- any other acts or procedures purporting to be, or by common usage accepted to be, of a veterinary nature, including
 - providing veterinary health or zoo-sanitary certification for any animal or animal product, attesting to its physical or clinical state of health or wellbeing (typically for trade or insurance purposes)
 - providing verbal or written advice on animal health, wellbeing or zoo-sanitary status, including advice by government authorities to industry or the public and by consultants to their clients or the public
 - pregnancy diagnosis in some species and using some equipment (because of the training and skill required and the importance to the animal and the enterprise).

The AVA Code of Professional Conduct is used by some boards as a means of evaluating professional acts. Some acts (e.g. artificial insemination) may be undertaken by laypersons under veterinary supervision or on the basis of particular training and licensing.

Registration of overseas trained veterinary graduates is addressed by the Australasian Veterinary Boards Council Inc. (AVBCI). A National Veterinary examination, which includes theoretical and clinical examinations, is used as the basis for registration. The questions for the examination have been tested on Australian graduates to ensure equity. Graduates from some countries may receive immediate registration on the basis of their training.

There are some differences in the Acts of the various states and territories, but the veterinary profession was one of the first to introduce a mechanism to establish uniformity across jurisdictions. AVBCI was established in the mid-1980s for this purpose. AVBCI has no statutory basis; it is a cooperative forum on which all states and territories and New Zealand are represented. It has increasing importance with passage of the Mutual Recognition Act of the Commonwealth, which followed an agreement with the states (and is reflected in state Acts) and allows movement of professionals between jurisdictions. AVA played a facilitating role in the establishment of AVBCI.

AVBCI was incorporated as the Australasian Veterinary Boards Council, with the governments of the states and territories as shareholders, in 1999. This enables it to hold the

National Competency Standards and conduct the National Veterinary Examination. The Council also manages the Advisory Committee on Registration of Veterinary Specialists and the Australian Veterinary Schools Accreditation Committee.

Features of state and territory legislation include the following:

Legislation in some states exempts those in government service from the requirement for registration.

Ethics require veterinarians to relieve the suffering of sick or injured stray animals and wildlife and this is prescribed in some legislation.

Legislation in some jurisdictions requires the holding of liability insurance.

In some jurisdictions, practice ownership is limited to registered veterinarians or corporations in which registered veterinarians hold a majority shareholding. This has the public benefit of ensuring that professionals practise in their own name and have responsibility for professional judgments.

Registration carries an obligation to have contemporary knowledge in the area of practice chosen. Continuing education is an obligation even where it is not required by legislation.

This document is intended set some guiding principles for those who are now or will be in the future be preparing or revising a practice act under the codes and laws of an individual state.

In Australia, each State and Territory has separate legislation covering practise as a veterinarian. Each State or Territory Veterinary Registration Board (VSB) is a statutory authority established under State or Territory legislation to regulate standards of veterinary practise. Evidence is required of an appropriate veterinary qualification and practical experience before registration is granted. All State and Territory VSBs recognise the same qualifications, thus achieving a single, uniform national standard for registration.

In seven out of eight jurisdictions in Australia, the legislation regulating veterinarians falls within the portfolio of primary industry ministers. In the ACT, regulation falls under the health portfolio.

Veterinary Surgeons Acts serve the public interest by protecting users of veterinary services, by protecting consumers of animal products domestically and internationally, by facilitating trade, including meeting international requirement for certification of animals and animal products and by protecting animal welfare.

Other policies that also should be referred to when considering this legislation are as follows:

- 3.1 Surgical alteration to the natural state of animals
- 3.2 Pain and analgesia
- 3.6 Embryo collection and embryo transfer
- 3.7 Collection of semen from animals by electroejaculation
- 4.2 Use of euthanasia drugs by non- veterinarians
- 7.2 Equine dentistry
- 7.4 Artificial breeding of horses and related species

8.4 Dehorning of cattle

10.4 Tail docking and castration of lambs and sheep

10.6 Surgical mulesing

10.7 Embryo transfer in sheep and goats

10.8 Laparoscopic artificial insemination in sheep and goats

12.1 Beak trimming of commercial poultry

15.8: Animal experimentation

17.5 House call practice

18.2 Veterinarians on animal ethics committees

19.7 The diagnosis and treatment of animals by non-veterinarians

19.9 Veterinary nursing

20.3 Model code of practice for the welfare of animals: pigs

Current Legislation governing veterinary practitioners

Table 1: Legislation governing veterinary practitioners

State/ Territory	Primary Governing Legislation	Current version and when last amended	Regulations	Current version and when last amended	Controlling department	Website
ACT	<i>Health Professionals Act 2004</i>	Version R22 1 st July 2010	Health Professionals Regulation 2004	Version R27 12 th December 2011	Health	http://www.legislation.act.gov.au/a/2004-38/default.asp
NSW	<i>Veterinary Practice Act 2003</i>	Current version from 20 th Sept 2011	Veterinary Practice Regulation 2006	Current version from 28 th May 2012	Primary Industries jointly with Regional Infrastructure and Services	http://www.legislation.nsw.gov.au/maintop/view/inforce/act+87+2003+cd+0+N
NT	<i>Veterinarians Act</i>	As in force 21 st Sept 2011	Veterinarians Regulations	As in force 1 st July 2010	Resources	http://notes.nt.gov.au/dcm/legislat/legislat.nsf/341afdad77c15dc4692565a6000e3509/b284497c412c543b69257918001c3c93?OpenDocument
QLD	<i>Veterinary Surgeons Act 1936</i>	As in force 12 th March 2010	Veterinary Surgeons Regulation 2002	As in force 1 st July 2012	Agriculture, fisheries and forestry	http://www.legislation.qld.gov.au/Acts_SLs/Acts_SL_V.htm
SA	<i>Veterinary Practice Act 2003</i>	Version: 1.1.2012	Veterinary Practice Regulations 2005	Version: 15.9.2005	Agriculture, food and fisheries	http://www.legislation.sa.gov.au/LZ/C/A/VETERINARY%20PRACTICE%20ACT%202003.aspx
TAS	<i>Veterinary Surgeons Act 1987</i>	Version: 12.12.2012 including amendments from the Veterinary Surgeons Amendment Act 2011	Veterinary Surgeons Regulations 2012	Version: 12.12.2012	Primary Industries, Parks, Water and Environment	http://www.thelaw.tas.gov.au/index.w3p
VIC	<i>Veterinary Practice Act 1997</i>	Current version 027 effective 22 nd June 2011	Veterinary Practice Regulations 2008	Current Version 001 effective 1 st March 2008	Agriculture and Food Security	http://www.legislation.vic.gov.au/Domino%5CWeb_Notes%5CLDMS%5CPubLawToday.nsf
WA	<i>Veterinary Surgeons Act 1960</i>	Effective 10 th December 2010	Veterinary Surgeons Regulations 1979	Effective 30 th May 2012	Agriculture and Food	http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1026_homepage.html

Comparative review of VPAs and recommendations to harmonise

1. Title

The current title to the legislation relating to the registration of veterinarians is as follows:

- Veterinary Practice Act – 3 states – SA, NSW and VIC
- Veterinary Surgeons Act – 3 states – QLD, TAS and WA
- Veterinarians Act - NT
- Health Professionals Act – ACT

There is some discussion of whether the veterinary Acts should be broadened to cover veterinary nurses, paraprofessionals and/or all persons who alter the natural state of the animal.

The arguments given for the inclusion of paraprofessionals and persons who alter the natural state of the animal is that at present while the veterinary profession is highly regulated and subject to complaint investigations by their relevant state or territory Veterinary Practitioners Board, other's working on animals are not subject to similar regulation and scrutiny. While the prevention to cruelty legislation would apply when an animal is compromise, it really doesn't give the regulation required for best animal welfare outcomes.

While the regulation of non-veterinarians working on animals is a very sound concept, the inclusion of this within the Act dealing with veterinarians would lead to the demand for the non-veterinarians to have representation on the Board and complaints committees and greater input into the legislation. This would lead to the significant loss of control for the professions and as such I would not recommend that we take this approach.

The argument for inclusion of veterinary nurses is discussed at point 19 in this discussion paper. The name Veterinary Practice Act would allow the inclusion of the registration and regulation of veterinary nurses in adopted in the future.

RECOMMENDATION—To allow for consistency and to recognise that the legislation includes licencing of veterinary premises and possibly registration of veterinary nurses in the future all Acts should be known as the *Veterinary Practice Act* in their relevant state

2. Objects of the Act

The object of an Act defines the purpose Act. In veterinary practice Acts the object emphasises that the right to practice veterinary medicine is a privilege granted by state law and is thus subject to regulation in order to protect the health, safety, and welfare of the public and animals.

Some Acts contain a Preamble which is considered to be the Long Title of the Act.

Objects are important in that they are used in the legal interpretation of the intent of the Act, while the Preamble is more administrative.

ACT	Preamble s13	<i>An Act to protect the public from risk of harm by ensuring that the people who provide health services regulated by this Act are competent to provide health services, and for other purposes</i>
NSW	s3	<p>Object of Act <i>The object of the Act is to regulate the provision of veterinary services for the following purposes:</i></p> <p><i>(a) To promote the welfare of animals</i> <i>(b) To ensure that consumers of veterinary services are well informed as to the competencies required of veterinary practitioners</i> <i>(c) To ensure that acceptable standards are required to be met by veterinary practitioners so as to meet the public interest and national and international trade requirements</i> <i>(e) To provide public health protection</i></p>
NT	Preamble	<i>An Act to provide for the registration of veterinarians and veterinary specialists, to regulate the provision of veterinary services, and for related purposes</i>
QLD	Preamble	<i>An Act relating to the qualifications and registration of veterinary surgeons and the regulation and control of the practice of veterinary science, and for other purposes</i>
SA	Preamble	<i>An Act to protect animal health, safety and welfare and the public interest by providing for the registration of veterinary surgeons; to regulate the provision of veterinary treatment for the purposes of maintaining high standards of competence and conduct by veterinary surgeons; and for other purposes.</i>
	s12	<p>Objects <i>The Board must exercise its functions under this Act with the object of protecting animal health, safety and welfare and the public interest by achieving and maintaining high professional standards both of competence and conduct in the provision of veterinary treatment in this State.</i></p>
TAS	Preamble	<i>An Act to provide for the registration of veterinary surgeons, the regulation of the practice of veterinary surgery, and incidental matters</i>
VIC	s1	<p>Objectives <i>The main purposes of this Act are—</i></p> <p><i>(a) to protect the public by providing for the registration of veterinary practitioners and investigations into the professional conduct and fitness to practise of registered veterinary practitioners; and</i> <i>(b) to establish the Veterinary Practitioners Registration Board of Victoria and the Veterinary Practitioners Registration Board Fund; and</i> <i>(c) to repeal the Veterinary Surgeons Act 1958; and</i> <i>(d) to make consequential amendments to other Acts; and</i> <i>(e) to provide for other related matters.</i></p>
WA	Preamble	<i>An Act to consolidate certain Acts regulating the practice of veterinary surgery, by repealing those Acts 2 and re-enacting them with amendments, and for incidental and other purposes.</i>

RECOMMENDATION

The Object of Veterinary Practice Acts should be to regulate the practice of veterinary science so as to ensure that acceptable standards are required to be met by veterinary practitioners so as to:

- protect the health, safety, and welfare of animals
 - protect the public health, safety and welfare
 - ensure that consumers of veterinary services are well informed of the training, qualifications and competencies required by persons undertaking veterinary procedures
 - meet international trade requirements
 - provide for other related matters
-

3. Board composition, establishment and term

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
ss 19 ss 24-36 R 5-111	ss 76-89 Sched 2 R 15-21	ss 4-7 Sched 1	ss 4-15	s 3 ss 6-7	s 4 Sched 1	ss 61-77	ss 4-16AC R 3-12

The following is a summary of the membership, executive positions and term of office of each state or territory veterinary boards at present:

ACT SUMMARY:

Membership of the Board

- 6 members
- 5 veterinarians – who must have been registered continuously for last 3 years.
 - 3 elected (held by electoral commissioner)
 - 2 appointed by the Minister (after consulting Board)
- 1 consumer representative – appointed by Minister selected from a consumer representative list kept by the Board

President and other executive positions

- President
 - appointed by Minister after consultation with the Board
 - must be veterinary practitioner
- Deputy President elected by Board each year

Term of office

- 4 years

NSW SUMMARY

Membership of the Board

- 8 members
- 6 veterinarians

- 2 selected directly by Minister (appointed by Governor)
- 1 specialist selected by Minister (appointed by Governor) from a panel prepared by NSW AVA
- 1 veterinarian practicing in urban area selected by Minister (appointed by Governor) from a panel prepared by NSW AVA
- 1 veterinarian practicing in rural area selected by Minister (appointed by Governor) from a panel prepared by NSW AVA
- 1 academic selected by Minister (appointed by Governor) from a panel prepared jointly by University of Sydney and CSU
- 2 consumer representatives selected by Minister (appointed by Governor)
- (Minister may direct how panels are prepared)

President and other executive positions

- President
 - Elected by Board
 - Must be veterinary practitioner

Term of office

- 3 years

NT SUMMARY

Membership of the Board

- 5 members
- 1 Chief Inspector or an appointee from the Minister
- 2 veterinarians – elected (held by postal vote)
- 2 Minister appointees (with consultation with the Board)
 - 1 consumer representative
 - 1 other member (non-veterinarian or veterinarian)

President and other executive positions

- President
 - Chief inspector or the person appointed to this position by Minister
- Vice President must be a veterinarian

Term of office

- 3 years

QLD SUMMARY

Membership of the Board

- 6 members (appointed by the Governor)
- 5 veterinarians
 - 1 senior officer of the department nominated by the Minister
 - 2 elected (registrar is the returning officer)
 - 2 nominated by Minister
- 1 consumer representative nominated by Minister
- (Qld Division AVA nominates a panel if vacancies occur)

President and other executive positions

- Chairperson (who is executive officer of the Board)

- Senior officer of the department
 - Must be veterinarian
- Deputy Chairperson
 - Appointed by Minister
 - Must be a veterinarian

Term of office

- 3 years

SA SUMMARY

Membership of the Board

- 7 members (appointed by the Governor)
- 4 veterinarians
 - 1 nominated by the SA Division of AVA
 - 3 nominated by Minister - 1 with primary production or equine experience or knowledge and 1 must have experience/knowledge relating to other animals
- 2 non-veterinarians nominated by Minister – 1 must have experience or knowledge relating to animal health, safety or welfare
- 1 legal practitioner nominated by the Minister
- Of those nominated by Minister there must be at least one male and one female
- Deputies for a member may be appointed by Governor

President and other executive positions

- Legal practitioner is presiding member

Term of office

- 3 years

TAS SUMMARY

Membership of the Board

- 5 members (appointed by the Minister)
- 4 veterinarians
 - 1 officer of the department nominated by the Secretary of the Department
 - 3 appointed by the Minister from a panel of 5 nominated by the Tasmanian Division of the AVA
- 1 member nominated by the Minister

President and other executive positions

- President and Deputy President
 - Elected by the Board

Term of office

- 3 years

VIC SUMMARY

Membership of the Board

- 9 members (nominated by Minister and appointed by the Governor)
- 6 veterinarians
 - 4 veterinarians
 - 1 veterinarian employed by the Crown
 - 1 veterinarian employed by the University of Melbourne
- 1 Lawyer
- 2 Non-veterinarians with expertise in 1 or more of finance and business management, legal practice and/or use of veterinary services

President and other executive positions

- President and Deputy President
 - May be appointed by the Governor

Term of office

- 3 years

WA SUMMARY

Membership of the Board

- 5 members (appointed by the Governor)
- 4 veterinarians
 - 1 Chief of Animal Health Division of Department of Agriculture (or acting)
 - 2 veterinarian elected (Registrar returning officer)
 - 1 veterinarian nominated by the WA Division of the AVA
- 1 person nominated by Minister – could be vet or non-vet

President and other executive positions

- Chairman elected by the Board

Term of office

- 3 years

SUMMARY OF SOME OF THE ABOVE DETAILS

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
No of members	6	8	5	6	7	5	9	5
No must be vet	5	6	2	5	4	4	6	4
No must be non-vets	1	2	1	1	3 (one must be legal practitioner)	0	3	0
AVA involved	No	Yes	No	No	Yes	Yes	No	No
Election	Yes	No	Yes	Yes	No	No	No	Yes

involved								
President must be a vet	Yes	Yes	Chief inspector	Yes	No (must be legal practitioner)	No	No	No
Term	4	3	3	3	3	3	3	3

RECOMMENDATION

Membership of the Board

- 7 Members of the Board (appointed by the Governor or Minister)
- 5 veterinarians (all having been continually registered veterinarians for the preceding 3 years, and presently residing in the relevant state or division)
 - 2 nominated by the Division of the AVA – one large animal practitioner and one small animal practitioner
 - 2 nominated by the Minister – one being a senior officer of the DPI/Agriculture
 - 1 nominated from a staff member of the veterinary school by the Universities in the jurisdiction, and where there is no veterinary school a specialist nominated by the Division of the AVA
- 2 Consumer representatives nominated by Minister – must be users of veterinary services, one rural and one urban, they should also preferably have skills in either finance and business management or legal practice.
- (Gender balance should be addressed if possible)

President and other Board executives

- President/Chairman elected by the members of the Board
- Must be a veterinarian

Term of Office

- 3 years

Conditions of membership

- A member of the Board should be removed from office by the Minister –
 - for misconduct
 - for failure or incapacity to carry out official duties satisfactorily

Remuneration

- A member of the Board is entitled to remuneration, allowances and expenses

Procedures

- 4 members constitute a quorum
- One of the members constituting the quorum must be a person who is not a veterinarian
- In the case of a tied vote, the vote will be lost.

AVA Nominations (not for inclusion in Act but as internal policy and procedure)

- All AVA members should be notified as to allow them to nominate for the position
- All nominees should provide a resume outlining their suitability for the position
- The Division executive will act as the selection committee or assign a

selection committee of no less than 5 members.

- The selection committee should be provided with a list of selection criteria (see below) on which to assess the nominees. They should also consider the selection with respect to Board composition including the mix of expertise and gender.

1. Availability, reliability and commitment to the position. Would undertake the required reading prior to meetings.
2. Integrity, is honest and will use powers responsibly
3. Professional standing within the veterinary profession
4. Ability to work as part of a team and consider others ideas and points of view
5. Interpersonal skills
6. No conflict of interest, or agenda for being on the Board
7. Commitment to continuing professional development
8. AVA membership – (as a members have agreed to Code of Professional Conduct and adherence to policy established by the profession)
9. Leadership
10. Respect – would show respect for colleagues and members of the public.

AVA should not be responsible for holding elections for the Board

Some of the other issues addressed within the various Acts relating to Boards but not considered in this paper are:

- How to address Board vacancies, including appointing deputies to members who can act in the absence of the member
- Meetings procedures, ability to meet by teleconference, minutes
- Annual Reports/Annual meeting requirements

4. National recognition of veterinary registration

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
	ss 34B-34F				s 3(1) <i>registered veterinary surgeon (b)</i> s 3 (2B), s 54A	ss 3A-3B	

Several years ago, the Australasian Veterinary Boards Council (AVBC), the Australian Veterinary Association (AVA) and Animal Health Committee (AHC) worked together to develop a model for national recognition of veterinary registration in Australia. It was in response to the desire to establish a single-transaction Australia-wide registration for veterinarians.

The model aimed to ensure that veterinarians, registrable in Australia, could be registered to practise nationally on the basis of a single application and single fee, while retaining current arrangements as far as possible.

The reasons given for the need for these changes were that separate regulatory systems in each state and territory hinder the mobility of veterinarians within Australia, hinder interstate competitiveness, and inconvenience clients with interstate or national interests as well as those requiring particular veterinary expertise only available outside their own state or territory.

A regulation impact statement was completed by the Department of Agriculture, Fisheries and Forestry (DAFF) <http://www.daff.gov.au/animal-plant-health/animal/system/vets> in 2007. The impact statement provided details, and outlined the preferred model and gave some recommendations as to the legislative changes that were needed.

In 2007, there was agreement to proceed with legislative change in each State to allow this to occur. The timeline set was December 2008. Unfortunately at this stage only Victoria, NSW, Tasmania and imminently Queensland have completed their legislative changes to allow this to occur. Other states and territories still have this on their agendas to adopt. (The relevant sections in the NSW VPB Act are ss 34A-34F; the Victorian VPB Act ss 3A-3B and Tasmanian VSA s 3(1) *registered veterinary surgeon (b)*, 3(2B) and s 54B).

The need for mobility of veterinarians (particularly those employed by state and territory governments) in response to animal diseases as seen with equine influenza and Hendra incidents is becoming even more important and the AVA should be advocating for all jurisdictions to complete the necessary legislative changes

RECOMMENDATION

That all states adopt changes to their legislation to allow National Recognition of veterinary registration. The following are the recommendations from the DAFF regulation impact statement in 2007.

- 1) There shall be a provision in the relevant Act that regulates the conduct of veterinary surgeons/practitioners, to the effect that a person shall be deemed to be registered under that Act in that state or territory if that person is registered as a veterinary surgeon/practitioner under an equivalent Act in another state or territory.
- 2) This provision shall only apply in the case of persons holding general and/or specialist registration.
- 3) This deemed registration shall be subject to the same conditions, restrictions or limitations (if any) that apply to the (primary) registration in the first state or territory.
- 4) This registration shall be deemed to be suspended or cancelled if it is suspended or cancelled in the first state or territory.
- 5) All legal rights and obligations applying normally to registered veterinary practitioners under the relevant Act in the state or territory shall apply equally to persons deemed to be registered in accordance with 1 above.
- 6) A person must apply for primary registration in the state or territory of their primary business. If a registered veterinary practitioner moves his/her primary place of business to another state or territory

they shall advise the Board in that new state or territory within one month of such a move.

5. Requirement to hold professional indemnity insurance

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
s 37(1)(d) s 75 R 125 R sched12.7 NI2007-420				s 44			

The AVA has a Policy that all practitioners should hold liability insurance. At present only the ACT and SA legislation requires registered veterinarians to have professional indemnity insurance.

RECOMMENDATION

That all registered veterinary practitioner must be covered by professional indemnity insurance as a condition of ongoing registration.

The Act should specify the minimum level of cover required and state that the insurance needs to cover the area of work the veterinarian is undertaking (for example some insurance products exclude equine work)

6. Staff

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
R 20	s 80	s 8	s 14	s 10-11	s 7	s 75	s 13

Most state legislation allows for the appointment of a registrar (or executive officer in ACT), plus other staff if required. The Board appoints and manages the registrar (or EO) in SA, NSW, TAS, VIC, WA and ACT. The Minister appoints the registrar in NT. The registrar is employed under the Public Services Act in QLD

The following is a summary of legislation relating to the employment of staff:

- **SA:** Registrar and other staff appointed and managed by the Board
- **NT:** Registrar appointed by Minister, s6(3) Board may appoint staff as needed
- **NSW:** Board employs and manages registrar, other staff and contractors as needed.
- **QLD:** Registrar employed under the Public Services Act and other staff appointed by the Board
- **TAS:** Registrar and other staff appointed by the Board, may be a State service employee
- **VIC:** Board employs registrar and other staff as needed
- **ACT:** the Board must appoint an executive officer (paid or unpaid) that may or may not be a member of the Board
- **WA:** Board may appoint registrar inspectors or other officers

RECOMMENDATION

That Board be able to employ and manage a Registrar and other staff as needed for the proper performance of the Board's functions

7. Functions of the Board

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
		s 6		s 14	s 5-5A	s 62	

Northern Territory, South Australia, Tasmania and Victoria Acts include a list of functions of the Board. While all Boards have a primary role in registration and investigating complaints relating to professional conduct of veterinarians, there are many other functions which are not shared across all Boards. For instance some Board licence veterinary premises, some register veterinary nurses and some even have educational roles.

RECOMMENDATION

That the following list should be reviewed as to what functions that the AVA endorses being a role of the state Veterinary Practitioner Boards.

Functions of the Board

- to register veterinary practitioners and veterinary specialists
- to recognise qualifications and accredit courses of training which provide qualifications for registration as veterinary practitioners and specialists
- to investigate the professional conduct or fitness to practise of registered veterinary practitioners and impose sanctions where necessary
- investigate allegations of professional misconduct by registered veterinarians
- to investigate suspected offences against Veterinary Practice Acts and to prosecute such offences, including persons not registered with the Board who engage in acts of veterinary science
- investigate and regulate the performance of 'acts of veterinary science' (or surgery or medicine)
- to issue guidelines about appropriate standards of veterinary practice and veterinary facilities
- to licence veterinary facilities
- to arrange, where it thinks necessary, for the inspection of veterinary facilities
- to give advice to a person where requested on a matter relating to the professional conduct of a registered veterinarian or veterinary specialist or the provision of veterinary services
- to promote high standards of professional conduct in the provision of veterinary services
- to prepare or endorse guidelines on continuing education for veterinary surgeons

- to prepare or endorse codes of conduct and professional standards for veterinary surgeons

8. Registration of Veterinary Practitioners

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
R 112-128 , R 151-155	ss 17-27 ss 28-29 s 31 R 9	s 22 s 10 s 11 -17 R 4-5	s 16 ss 18-21	s 3 ss 26-38 s 28 (2) s 31	ss 14-24 R 5-7	ss 4-19 s 7A s 16(3) R 7 s 18	R 13-22 s 17-23

Below is a summary of the types, requirements and conditions of registration across the states and territories:

General Registration	NSW	VIC	QLD	SA	WA	TAS	NT	ACT
a. A degree in veterinary science or medicine accredited by the Board that is from a tertiary institution recognised by the Board	yes	yes	see(e)	yes	yes	yes	yes	yes
b. Has qualification that is substantially equivalent or is based on similar competencies to a degree in veterinary science or medicine accredited by the Board	yes	yes	see(e)	yes	yes	yes	yes	In the public interest
c. Has passed a qualifying examination conducted by or on behalf of the Board (i.e. NVE)	yes	yes	yes	yes	yes	yes	yes	yes
d. Has qualification that is recognised in another Australian jurisdiction for the purposes of undertaking work of a similar nature	yes	yes	Yes (non-conditional)	yes	Not necessarily	yes	yes	yes
e. Awarded a degree or membership in veterinary science accredited by AVBC, RCVS or AVMA (with pass in NAVLE)		yes	yes			yes	yes	yes
f. Has passed ECFVG (noted separately but would fit under e)		yes					yes	

Provisional Registration	NSW	VIC	QLD	SA	WA	TAS	NT	ACT
a. Application for general registration must have been received and person's		See Note #	yes			yes	yes	yes

qualifications and documentation entitle the person to general registration								
b. Authorised person may grant a certificate of registration until a date in the certificate or until such later date is fixed by the Board			yes			yes	yes	Yes
c. Date fixed on certificate will be no more than 3 months from date granted			yes				yes	Next board meeting
d. Board may at any time before date stated or fixed, cancel a certificate granted and cancellation will be deemed to be a refusal of the application for registration			yes				yes	n/a
e. Where person becomes registered as vet surgeon while certificate is still in force, person's registration shall date from the granting of the certificate			yes			yes	yes	yes

NOTE# provide out-of-session service to grant general registration between Board meetings

Conditional, Restricted, Limited Registration	NSW	VIC	QLD	SA	WA	TAS	NT	ACT
a. Ability to impose conditions, limitations or restrictions on general registration	yes	yes	no	yes	yes	yes	yes	After inquiry or of other state has imposed
b. Ability to amend, vary or revoke any condition, limitation, restriction	yes	yes	no	yes	yes	yes	yes	ditto
c. Notice must be given of proposal to impose condition, limitation or restriction, and opportunity for applicant to make submissions on the matter	yes	yes	no	yes	yes		yes	

Type of conditions, limitations, restrictions that may be imposed	NSW	VIC	QLD	SA	WA	TAS	NT	ACT
Work restricted to multi vet practice	yes	yes		yes	yes	yes		yes
Work restricted to particular area of veterinary practice	yes	yes		yes	yes	yes		yes
Not to undertake surgery	yes	yes		Yes	yes	yes		yes
Work under supervision (direct or general)	yes	yes		Yes	yes	yes		yes
Work restricted to particular clinic	yes	yes		Yes	yes	yes		

								yes
Restricted to a particular event (e.g. Olympic games)	yes	yes		Yes	yes	yes		yes
Undertake further training	yes	yes		Yes	yes	yes		yes
Is undertaking NVE		See specific	yes		Yes			
Any other unspecified		yes		Yes		Yes		

Limited (Time imposed) Registration	NSW	VIC	QLD	SA	WA	TAS	NT	ACT
a. Must be registered as a veterinary surgeon in general category in Australia or NZ)			yes				no	If in the public interest
b. Must satisfy the Board that they do not intend to practise for a period not exceeding 30 days			yes				no	
c. Board must remove person's name from Register if person's registration in other state or NZ is suspended or cancelled			yes				yes	yes

Specific Registration	NSW	VIC	QLD	SA	WA	TAS	NT	ACT
a. To enable them to undertake supervised study or training or a course approved by Board at a tertiary institution	yes	yes	no		yes	Permitted BUT not reg'n class	n/a	yes
b. To enable them to fill a veterinary teaching or research position at a tertiary institution approved by the Board	yes	yes	yes		yes		n/a	yes
c. To enable them to undergo training under the direct supervision of a registered veterinarian to acquire the competencies required for general registration	yes	yes	yes		yes		n/a	Permitted but not reg'n class
d. In the Board's opinion to meet an identified need it is necessary to have a person with the qualifications in the nature of the applicant's	yes	yes	no		yes		yes	yes
e. For a limited period and with prior permission of the Board, to enable them to practise when they have exchanged practice with a registered veterinarian	yes	yes	no		no			no

f. Subject to conditions, limitations, restrictions including period of registration which must not exceed 12 months	yes	yes	no		yes		yes	no
g. Ability to amend, vary or revoke a condition, limitation, restriction	yes	yes	no		yes			
h. May relate to other status – i.e. limited				yes		Yes		

Non-Practising Registration	NSW	VIC	QLD	SA	WA	TAS	NT	ACT
	n/a					n/a	n/a	n/a
a. Must be qualified for general registration		yes	yes	yes	yes			
b. Must satisfy the Board that they do not intend to practise for the period of registration		yes	yes	yes	yes			
c. May be subject to any conditions, limitations, restrictions set by the Board		yes	no	yes	yes			
d. Not renewable, but may be applied for in each subsequent year		yes	Annual renewal	yes	no			
e. Must be minimum of 55 years of age			yes					
f. Must be a resident of Australia			yes					
Types of conditions, limitations, restrictions which may be imposed								
May not carry out any veterinary procedures		yes		yes	yes			
May not provide any veterinary services		yes		yes	yes			
May not exercise authority requiring registration as veterinarian – means may not provide certificates of any type, nor purchase, possess or supply scheduled drugs under D&P legislation		yes		yes	yes			
Honorary Registration								
Fee waived for those older than 60 years and have been in practice for 40 years or more	yes							

RECOMMENDATION

Registration of Veterinary Surgeons

- The Board keep the following registers:
 - a general register

- a specialist register
 - a register of persons who have been removed from the general or specialist register and have not been reinstated
- Only those registered on the general register are authorised to perform acts of veterinary science
- Only those registered as a specialist can purport to be a specialist
- A person cannot be on the specialist register unless the person is also on the general register
- The general and specialist registers must include for each veterinarian:
 - the person's full name
 - their business address
 - a contact phone number
 - a contact email address
 - the qualifications for registration that are held by the person
 - in the case of a specialist what speciality the person is registered
 - particulars of any limitation or conditions that affects or restricts the person's right to perform acts of veterinary science
- The register of persons who have been removed from the general or specialist register must include
 - the reason for removal of the person
 - the date of the removal
 - where removal was due to disqualification or suspension, the duration of the disqualification or suspension
- The registers excluding email and phone numbers must be kept available for inspection during working hours at the office of the Board and may be made available to the public by electronic means.
- Board will supply the Australian Veterinary Association the general register excluding phone numbers and email addresses each year.
- A veterinarian must, within 3 months after changing his or her name, business address, phone number or email, inform the Board in writing of the change

Eligibility for registration to the general or specialist register

- The person must satisfy the Board that she or he
 - has a qualification as approved by the AVBC. There should not be provision for the Minister to override this decision of the AVBC as in the SA legislation as with National recognition this impacts on other state registrations
 - is medically fit to provide veterinary treatment
 - holds current appropriate professional indemnity insurance
 - is a fit and proper person to be registered
- Limited registration for those without the required qualifications may be available to allow a person to undertake research or study. Limited registration should not be available to allow a person to teach.
- The Board may impose one or more of the following conditions of registration of a person
 - Restriction to the time and place at which the person can do acts of veterinary science
 - Limits to the kind of acts of veterinary science that may be provided
 - Conditions requiring supervision

- Access to scheduled drugs

The AVA should also consider whether a non-practicing registration should exist and how retired veterinarians are registered.

9. Unregistered practice

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
ss 71-72A	ss 9-12	ss 24-25	ss 25M-25P	s 39	s 11	s 57	s 25-26

RECOMMENDATION

All Boards need the ability to place appropriate penalties on any person who performs a restricted act of veterinary science while not appropriately trained, qualified or registered or purports to be registered when not.

There needs to be appropriate provision to allow the teaching of veterinary students to allow them to perform restricted acts of veterinary science under direct supervision

10. University related Clauses

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
				s 14		s 71(1)(b)	

The South Australian Act has a Clause that allows the Minister to override the Board's decision if their university course is not approved at any stage. This is a real concern, as all Boards have agreed to the AVBC accrediting universities and then all states accepting veterinarians from these approved universities. As each state recognises registration from another state, if one state allows registration from a University that is not accredited by the AVBC this will cause a major problem.

Many of the states have special limited registrations to allow veterinarians who would not normally be qualified to be registered in Australia to teach in universities.

RECOMMENDATION

The Clause s 14 in the South Australia VPA that allows the Minister to override the Board's decision relating to approval of a university course should be removed from the South Australian Act and all Board's should agree to the AVBC accreditation process for determining which qualifications that will be accepted for registration.

The AVA should review the process of allowing veterinarians who do not have qualifications that are normally accepted to register in Australia to have limited registration so that the can teach in Universities to ensure that all attempts to find an registrable veterinarian has been undertaken and that the quality of education is not compromised.

11. Disciplinary proceedings/Complaints against registered veterinary practitioners

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
R 110-124	ss 35-54 ss 58-63 R 11-12	ss 26-35	ss 22-22A ss 15A-15D	s 19 s 22 s 61-62 s 64-65	ss 41-50	ss 20-56	16A

RECOMMENDATION—

The Board must investigate a complaint concerning the professional conduct of a practitioner unless the Board determines that the complaint is lacking in substance or is vexatious.

- Complaints must be in writing
- A complaint may only be made against a registered veterinarian if the grounds on which the complaint is made arose within the 2 years immediately before the making of the complaint.
- All investigation or hearing committees or panels must contain a veterinarian and the veterinarian should be the presiding member of the committee/panel.
- The Board may suspend the registration of a veterinary practitioner until any investigation is completed only if the Board is of the opinion that it is necessary to do so because there is a serious risk that the health and safety of the public or the health and welfare of animals will be endangered
- Investigations need to be timely, with veterinarians notified within 28 days after any hearing, with a written notice stating findings.
- The veterinarian must have a right to representation at any hearings
- The veterinarian needs to have the right of appeal on decision.
- The Board must supply a written reason for decision if requested.
- Only hearings to determine unprofessional conduct of a serious nature should be open to the public.
- Only findings of a serious nature should be published.

Other issues addressed within the various Acts relating to Boards but not covered in this paper are:

- Principles of evidence
- Awarding costs

12. Inspectors and investigations

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
	ss 90-91	ss 39-42	ss 33C-33E	s 3 s 13	s 10	s81-85	s 16B

				s 56-58 s62-65			
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RECOMMENDATION

While it is recognised that Board should have the power to enter a premises (this includes a vehicle) to inspect, this power should only be available when there is reasonable cause to believe that a person is doing or has done an act where any provision of the Act or regulations has been contravened or the conduct of veterinarian constitutes unprofessional conduct.

- The inspection needs to be at a reasonable time.
 - The inspector should not enter residential premises without permission of the occupier.
 - The inspector must be clearly identifiable with a signed photograph identity card and appropriately trained
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13. Appeals of decisions of the Board.

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
R 157aa-157C	s 34 ss 91A-91I	s 31 s 36	s 22H	s 66-67	ss 53-54	s55	s 22

RECOMMENDATION

There need to be clear appeal processes for decisions made by the Board relating to complaints and registration.

14. Regulation of Veterinary Premises

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
NI2007-420	ss 69-75 R 14		s 25A-25L s 29A	s 50-54	s 25-31 s 49		s 24A- 24B R 34-41 R 42-43

Several states require premises where restricted acts of veterinary science are performed to be licenced.

NSW SUMMARY

In NSW premises that perform major surgery involving the administration of anaesthetic to an animal must be licensed by the Board. Premises that do not perform major surgery and only perform consultations and vaccinations do not require a license. It is an offence for unlicensed premises to represent the premises as a veterinary hospital, clinic, surgery or any other name or description that is capable of being understood to indicate, or lead a person to believe that the premises are a veterinary hospital or entitled to be licensed under the Act.

A licensed veterinary practice must appoint a Superintendent who is a registered veterinary practitioner. The Board must be notified in writing before a person assumes the duties of a Superintendent.

Although the Veterinary Practice Act and Regulations do not specify the level of facilities and equipment necessary to apply for a hospital licence, the Board has

issued guidelines of minimum standards for both small animal hospitals and large animal hospitals which should be attained before an application being considered by the Board.

The Board employs a Hospital Inspector who visits practices following application for a licence and for general inspections every few years.

QUEENSLAND SUMMARY

In Queensland you must apply for approval to use premises as veterinary premises. The hospitals are inspected, including fittings and equipment. The Board has a set of guideline criteria that need to be met.

The Board has set three levels for veterinary premises which are veterinary consulting/examination rooms (no general anaesthetic procedures permitted), veterinary surgery/clinic, and veterinary hospital/centre (24 hour emergency medical and surgical care provided).

WA SUMMARY

Veterinary clinics and hospitals need to be registered. To be registered the clinic or hospital needs to be under the management of a registered veterinary surgeon. The regulations specify requirements for veterinary hospitals and veterinary clinics.

SA SUMMARY

In South Australia, all veterinarians who own a practice and veterinary services providers (non-veterinary owners) need to inform the Board of ownership details, the address of the premises and the veterinarians who will work in the practice. The Board keeps a register of these details. There is no legislation relating to the standard of these practices or the ability to inspect them.

To be able to call premises a Veterinary Hospital in South Australia the premises must be accredited. A Veterinary Hospital is an establishment where veterinary services are available at all times, and where full facilities are provided for examination, diagnosis, prophylaxis, medical treatment and surgery of animals. It provides where necessary, housing and nursing care up to a 24-hour per day basis for medical and surgical cases. Accreditation can be through the Board or the Australian Small Animal Veterinary Association (ASAVA). The premises are inspected to ensure they meet the Standards for Veterinary Hospitals. Every hospital is reinspected every three years to maintain hospital accreditation. Hospitals with ASAVA accreditation are listed as veterinary hospitals and are not required to undergo Board accreditation.

TASMANIAN SUMMARY

Hospitals are not registered in Tasmania, however veterinary service entities must notify the Board if they intend to provide veterinary services and the Board keeps a register of these veterinary service companies. They have powers to discipline veterinary service entities.

ACT SUMMARY

Practices need to be approved by the Board and have a list of standards that they must fulfil. This is found in the Notifiable Instrument 2007-420, which can be found on the ACT Board website

RECOMMENDATION – The AVA needs to determine whether they support registration of hospitals or other veterinary premises and if so put a working party together to look at what the minimum standards should be

15. Restricted Acts of veterinary science

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
ss 20-21 Sched 12.2 NI2007-420	ss 7-10 R 4-6	s 3 (1) s 3 (2)	s 2A s 25M R 3	s 3 R 4-5 s39	s 3 R 4		ss 26(3-4) s 2 R 45 s 26D

Acts requiring registration to practise were enacted in all jurisdictions early in the 1900s. They were introduced to address serious animal welfare issues and fraudulent or incompetent acts by unqualified persons.

The AVA believes that the welfare of animals and the identification and control of disease, as well as public health and biosecurity, will be compromised where non-veterinarians independently diagnose and treat animals.

Below is the current situation in each state, note that Victoria no longer has any restricted acts of veterinary science. In Victoria they rely on the cruelty to animal legislation to prosecute anyone who endangers the health of an animal. The AVA believes this is an insufficient safeguard for animal owners and animal welfare.

	RESTRICTED ACTS OF VETERINARY SCIENCE	NOT RESTRICTED ACTS OF VETERINARY SCIENCE
ACT	<p>An 'act of veterinary science' means services which form part of the practice of veterinary surgery, and includes attendance, rendering advice, diagnosis or treatment of disease or injury, provision of veterinary certificates, and prescribing medicines for veterinary purposes.</p> <p>An act is an 'act of veterinary science' if such an act were performed on an animal by a person other than a veterinary surgeon it would be likely:</p> <ol style="list-style-type: none"> i. to cause unacceptable levels of harm or suffering to the animal; ii. to affect human health adversely; or iii. to affect domestic or international trade adversely. <p>In addition to the above, the following are proposed to be 'acts of veterinary science' in the ACT, to be performed only by veterinary surgeons.</p> <ol style="list-style-type: none"> i. Stomach tubing or oesophageal intubation of horses ii. Artificial insemination of 	<p>These procedures are deemed to not be 'acts of veterinary science' unless administration of restricted drugs or the making of a diagnosis is required for them:</p> <ol style="list-style-type: none"> i. Microchipping ** ii. Acupuncture** iii. inoculating iv. chiropractic/manipulation procedures** v. scaling, cleaning, polishing teeth where this does not require sedation or local anaesthetic* vi. use of machine driven tools for equine dentistry * vii. cleaning, rasping, grinding or cutting the teeth of a horse, viii. removing a loose tooth or deciduous tooth cap from a horse ix. using a power tool to carry out a procedure to maintain or restore correct dental function on a horse that has been adequately sedated under the immediate and direct supervision of a veterinary practitioner x. deworming xi. farriery xii. castration of farmed animals outside of the national animal welfare standards; xiii. dehorning cattle of less than six months; or goats or sheep of less than 3 months of age; xiv. horn tipping any animal ('horn tip' means remove the insensitive part of the horn of an animal) xv. removal or partial removal of antlers or horns

	<p>horses</p> <p>iii. Sampling for disease residue – production animals</p> <p>iv. Pregnancy testing of horses by rectal examination</p> <p>v. Laparoscopic insemination</p> <p>vi. General anaesthesia*</p> <p>vii. The carrying out of any treatment, procedure or test that involves the insertion of any thing in the nasal passage, nasal sinuses, thoracic cavity, abdominal cavity, pelvic cavity, cranial cavity, spinal cavity, tooth alveolar cavity, eye, orbital cavity, tympanic cavity, joint spaces or any other synovial cavity of any animal (except for an insertion into an animal's mouth or oesophagus only, or into the rectum of an animal other than a horse)</p> <p>viii. The performing of any dental procedure other than tooth cleaning on any animal other than a horse*</p> <p>ix. The performing on a horse of any dental procedure that involves;</p> <ul style="list-style-type: none"> o Making an incision through the skin or oral mucosa, or o Extracting a tooth by repulsion; or o Entry below the gum line; or d. Any other activity to maintain or restore correct dental function (except as provided for in 5. below). <p>x. Genetic testing.</p> <p>The above list does not preclude other actions being deemed 'acts of veterinary science' under the description in paras 1 and 2 above.</p> <p>*May be done by a non-veterinarian under the immediate direct supervision of a veterinary surgeon</p>	<p>from any species, provided that no vascular or other living tissue is removed with the antler or horn;</p> <p>xvi. tailing sheep of less than three months</p> <p>xvii. Mulesing sheep of less than 6 months where a veterinary surgeon is not available, provide emergency first aid</p> <p>xix. A person may administer, under the immediate and direct supervision (as per AVA definition) of a veterinary surgeon, an anaesthetic to an animal*;</p> <p>xx. collection of faecal samples;</p> <p>xxi. collection of milk samples;</p> <p>xxii. collection of blood samples at the direction of a registered veterinary surgeon;</p> <p>xxiii. administration of veterinary medicines which the Poisons Act 1933, the Poisons and Drugs Act 1978 and the Drugs of Dependence Act 1989 [all to be replaced, see Medicines and Poisons Bill 2006] entitles the person to administer, by subcutaneous or intramuscular injection, oral administration, or application to any external body surface;</p> <p>xxiv. giving of advice on the nutrition and management of livestock;</p> <p>xxv. foot trimming</p> <p>Animal Pregnancy-Related Activities</p> <p>i. Artificial insemination of cattle, deer, goats, pigs or sheep, other than a procedure involving surgery**;</p> <p>ii. embryo transfer (non-surgical);</p> <p>iii. A person, other than a veterinary surgeon, who undertakes an approved training course, may, as part of the training course, diagnose pregnancy in cattle he or she does not own. However, a person who completes such training should only use the pregnancy testing technique on their own cattle.</p> <p>iv. A person may determine the sex of chickens</p> <p>v. diagnose pregnancy in sheep by external ultrasonic techniques, subject to compliance with such conditions as may be prescribed.</p> <p>A person may do or perform any other act, matter or thing prescribed for the purposes of paragraph 5 with the approval of the Board.</p> <p>* May be done by a non-veterinarian under the immediate direct supervision of a veterinary surgeon.</p> <p>** May only be done by a person who has completed the relevant training appropriate to work with animals.</p>
NSW	<p>(a) Examination of or attendance on any animal the examination of or attendance on any animal for the purpose of diagnosing the physiological or pathological condition of the animal, including for the purpose of diagnosing pregnancy in a horse, but not for the purpose of diagnosing pregnancy in any other animal,</p> <p>(b) treatments, procedures or tests that require anaesthesia etc. the carrying out of any treatment, procedure or test on an animal that, according to current standards of the practice of veterinary science, to avoid harm or suffering to the animal, should not be undertaken without anaesthetising the animal (otherwise than by a topical anaesthetic) or without sedating or tranquillising the animal</p>	<p>(a) cleaning, rasping, grinding or cutting the teeth of a horse</p> <p>(b) removing a loose tooth or deciduous tooth cap from a horse</p> <p>(c) using a power tool to carry out a procedure to maintain or restore correct dental function on a horse that has been adequately sedated under the immediate and direct supervision of a veterinary practitioner.</p> <p>The following are listed in the Act as not being able to be restricted:</p> <p>i. the de-worming of any animal,</p> <p>ii. the performing of the Mules operation on sheep that are less than 12 months of age,</p> <p>iii. the de-horning of:</p> <ul style="list-style-type: none"> o cattle that are less than 12 months of age, or o goats that are less than 1 month of

<p>(c) administration of an anaesthetic agent the administration of an anaesthetic agent (other than a topical anaesthetic) to an animal otherwise than under the immediate and direct supervision of a veterinary practitioner</p> <p>(d) specific procedures</p> <ol style="list-style-type: none"> i. the following treatments, procedures and tests: ii. the performing of laparoscopic surgery on any animal, iii. the performing of the Mules operation on sheep that are 12 months of age or older, iv. the tailing of sheep that are 6 months of age or older, v. the de-horning of cattle that are 12 months of age or older, vi. the de-horning of goats that are 1 month of age or older, vii. the removal of immature antlers in velvet from deer, viii. the carrying out in respect of an animal of any artificial breeding procedure (within the meaning of the Stock (Artificial Breeding) Act 1985) involving surgery, ix. the castrating of cattle, sheep or goats that are 6 months of age or older, the castrating of pigs that are 2 months of age or older, x. the castrating at any age of animals other than cattle, sheep, goats or pigs, <p>(e) insertion of anything into certain body cavities the carrying out of any treatment, procedure or test that involves the insertion of any thing in the nasal passage, nasal sinuses, thoracic cavity, abdominal cavity, pelvic cavity, cranial cavity, spinal canal, tooth alveolar cavity, eye, orbital cavity, tympanic cavity, joint spaces or any other synovial cavity of any animal (except for an insertion into an animal's mouth or oesophagus only, or into the rectum of an animal other than a horse),</p> <p>(f) insertion of anything into uterus or rectum of horse the carrying out of any treatment, procedure or test that involves the insertion of any thing into the uterus of a horse or the insertion of any thing other than a thermometer into the rectum of a horse,</p> <p>(g) dental procedures on animals other than horses the performing of any dental procedure other than tooth cleaning on any animal other than a horse,</p> <p>(h) dental procedures on horses the performing on a horse of any dental procedure that involves:</p> <ol style="list-style-type: none"> i. making an incision through the skin or oral mucosa, or 	<ol style="list-style-type: none"> iv. age, the horn tipping of any animal, v. the castrating of: <ol style="list-style-type: none"> o cattle, sheep or goats that are less than 6 months of age, or o pigs that are less than 2 months of age, vi. the tailing of sheep that are less than 6 months of age, vii. the carrying out, in respect of cattle, sheep, goats, pigs, deer, buffalo, poultry or any other animal prescribed by the regulations, of any artificial breeding procedure (within the meaning of the Stock (Artificial Breeding) Act 1985) other than a procedure involving surgery, viii. determining the sex of chickens, ix. the administration, under the immediate and direct supervision of a veterinary practitioner, of an anaesthetic to an animal, x. diagnosing pregnancy in sheep by external ultrasonic techniques, subject to compliance with such conditions as may be prescribed by the regulations.
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	<ul style="list-style-type: none"> ii. extracting a tooth by repulsion, or iii. entry below the gum line, or iv. any other activity to maintain or restore correct dental function. <p>(anaesthetic agent means an anaesthetic agent, including a narcoleptic agent, an analgesic, a sedative or a tranquilliser, that is specified in Schedule Four or Schedule Eight to the Poisons List proclaimed under the Poisons and Therapeutic Goods Act 1966)</p>	
NT	<p>veterinary services means services which form part of the practice of veterinary surgery or veterinary medicine, and includes:</p> <p>attendance, examination, the diagnosis of the physiological status of an animal, the diagnosis of disease or injury, the treatment of disease or injury, giving advice on the diagnosis or treatment of disease or injury, the prescribing of medicines and drugs, administering vaccines, and the provision of veterinary certificates; and a prescribed service,</p>	<ul style="list-style-type: none"> i. dehorning cattle or buffalo that are less than 12 months old; castrating cattle, buffalo or camels that are less than 12 months old; ii. castrating goats or sheep that are less than 6 months old; iii. tailing lambs that are less than 6 months old; iv. mulesing sheep; v. vaccinating animals kept in the course of primary production with a registered veterinary chemical product in accordance with the label; vi. implanting cattle with a hormonal growth promotant that is a registered veterinary chemical product in accordance with the label; pregnancy testing of cattle or buffalo by rectal examination or another technique approved by the Chief Inspector; vii. treatment of internal or external parasites except by naso-gastric intubation; viii. spaying cattle using the Willis Dropped Ovary Technique with the written approval of the Chief Inspector; ix. non-surgical artificial insemination of cattle, sheep, goats or pigs; x. cleaning and rasping the teeth of horses with a manual tooth rasp; xi. removing loose tooth caps from horses; xii. scaling and polishing the teeth of animals
QLD	<p>Veterinary science means the science of veterinary surgery or veterinary medicine.</p> <p>Veterinary science includes the following—</p> <ul style="list-style-type: none"> i. diagnosing diseases in, and injuries to, animals, including, for example, testing animals for diagnostic purposes; ii. giving advice based on a diagnosis under paragraph (a); iii. medical or surgical treatment of animals; iv. performing surgical operations on animals; v. administering anaesthetics to animals; vi. signing or issuing certificates relating to the description, health, diagnosis or treatment of animals. 	<p>The following acts done for animal husbandry or animal dentistry are not veterinary science—</p> <ul style="list-style-type: none"> i. castrating <ul style="list-style-type: none"> o cattle or sheep of less than 6 months; or o goats of less than 2 months; or o pigs of less than 3 weeks; ii. dehorning <ul style="list-style-type: none"> o cattle of less than 6 months; or o goats or sheep of less than 3 months; iii. spaying cattle using the Willis dropped-ovary technique; iv. tailing sheep of less than 6 months; v. mulesing sheep of less than 1 year; vi. filing or rasping a horse's teeth; vii. artificial insemination of cattle, deer, goats, pigs or sheep; viii. teaching techniques about pregnancy testing of cattle by a veterinary surgeon to an owner of cattle. ix.

		<p>In this section—prescribed instrument, for the Willis dropped-ovary technique, means an instrument made of stainless steel that has—</p> <ol style="list-style-type: none"> i. a handle in the shape of the letter 'T'; and ii. at its other end, a flattened spearhead with a slit that— <ul style="list-style-type: none"> o is in the forward end of the spearhead; and o has a sharp edge at the end of the slit closest to the forward end of the spearhead; and o joins an oval hole at the other end of the slit. <p>Willis dropped-ovary technique means a technique for spaying cattle that involves dropping ovaries into the abdomen</p> <p>by using a prescribed instrument to—</p> <ol style="list-style-type: none"> i. enter the abdomen by piercing the wall of the vagina ii. with the instrument's spearhead; and iii. place each ovary, by rectal manipulation, in the oval hole in the instrument's spearhead; and sever the ovaries with the sharp edge of the slit in the instrument's spearhead by retracting the instrument
SA	<p>Veterinary treatment means—</p> <ol style="list-style-type: none"> i. the diagnosis, treatment or prevention of a disease, injury or condition in an animal; or ii. the administration of an anaesthetic to an animal; or iii. the castration or spaying of an animal; or iv. the carrying out of a prescribed artificial breeding procedure on an animal; or v. any other act or activity of a kind declared by the regulations to be veterinary treatment, but does not include anything excluded from the ambit of this definition by the regulations. <p>The following are prescribed artificial breeding procedures (in iv above):</p> <ol style="list-style-type: none"> i. laparoscopic artificial insemination; ii. laparoscopic transfer of embryos. 	<ol style="list-style-type: none"> i. The deworming of an animal other than by intranasal oesophageal tube; ii. the performance of the Mules operation on sheep; iii. the dehorning of cattle or sheep if the animal is less than 6 months of age; iv. the castration of cattle, sheep or pigs if the animal is less than 3 months of age; v. the tailing of lambs that are less than 3 months of age; vi. the treatment of an animal for ectoparasites; vii. the treatment of footrot in sheep or goats by foot-paring or foot-bathing; viii. the vaccination of livestock; ix. the diagnosis of pregnancy of an animal by ultrasound or by testing of blood or milk (other than the diagnosis of pregnancy of a horse by ultrasound); x. equine dentistry other than restricted equine dentistry.
TAS	<p>veterinary services means services which form part of the practice of veterinary surgery, and includes but is not limited to the following services:</p> <ol style="list-style-type: none"> (a) the examination of, or attendance on, any animal for the purposes of diagnosing the physiological or pathological condition of the animal, including testing or imaging for diagnostic purposes; (b) giving advice based on a diagnosis referred to in paragraph (a), including prescribing treatment, drugs, medications or medical 	<ol style="list-style-type: none"> (a) tail docking of lambs that are 6 months old or less; (b) mulesing of lambs that are 6 months old or less; (c) deworming that does not include oesophageal intubation (stomach tube); (d) castration of oxen, sheep or goats that are 6 months old or less; (e) castration of pigs that are 2 months old or less; (f) sexing chickens;

	<p>appliances;</p> <p>(c) performing medical or physical treatment of animals</p> <p>(d) performing surgical procedures on animals;</p> <p>(e) administering an anaesthetic to any animal;</p> <p>(f) conducting pregnancy testing to any animal;</p> <p>(g) carrying out, by manual operation or use of instrumental appliances, any procedure on an animal for artificial breeding purposes –</p> <p>but does not include any prescribed services;</p>	<p>(g) debeaking chickens;</p> <p>(h) removal of horn, horn core and associated skin in goats, or oxen or sheep, that are 6 months old or less;</p> <p>(i) removal of horn or antler buds from any species before the formation of horn or of pedicels (antler bases);</p> <p>(j) removal or partial removal of antlers or horns from any species, provided that no vascular or other living tissue is removed with the antler or horn;</p> <p>(k) filing or rasping of horse teeth without the use of power tools;</p> <p>(l) shoeing of horses</p> <p>(m) non-invasive massage</p> <p>(n) collection of faecal samples;</p> <p>(o) collection of milk samples;</p> <p>(p) collection of blood samples at the direction of a registered veterinary surgeon;</p> <p>(q) administration of veterinary medicines, in accordance with the label approved under the Agvet Code of Tasmania in relation to that medicine, by subcutaneous or intramuscular injection, oral administration (except oesophageal intubation) or application to any external body surface;</p> <p>(r) anaesthetising and sedating of:-</p> <ol style="list-style-type: none"> i. fish of the class <i>Osteichthyes</i>; or ii. sharks, rays, lampreys or other cartilaginous fish of the classes <i>Chondrichthyes</i> and <i>Agnatha</i>; <p>(s) giving of advice on the nutrition and management of animals;</p> <p>(t) foot trimming;</p> <p>(u) ear tagging, ear marking or ear tattooing of any species;</p> <p>(v) branding of any species;</p> <p>(w) examination for pregnancy by the external application of ultrasound scanning in any species;</p> <p>(x) artificial insemination, provided that the semen is introduced via the vagina and cervical canal.</p>
VIC	None	N/A
WA	<p>Veterinary surgery means the art and science of veterinary surgery and veterinary medicine, and, without limiting the generality of the foregoing, includes</p> <ol style="list-style-type: none"> i. the examination of any animal for the purpose of the 	<ol style="list-style-type: none"> i. dressing and suturing wounds; ii. immobilising a fractured limb by external fixation; iii. treating milk fever or postparturient paresis; iv. relieving bloat; v. assisting a female animal at parturition;

	<p>diagnosis of disease in, or injury to, that animal, or the conduct of tests, whether physiological or pathological, on any animal for diagnostic purposes; and</p> <p>ii. the provision of advice based upon diagnosis of disease of, or injury to, any animal; and</p> <p>iii. the surgical or medical treatment of any animal; and</p> <p>iv. the giving of any anaesthetic to, or the performance of surgical operations on, any animal; and</p> <p>Issuing certificates under other Acts</p> <p>No person other than a person who is a registered veterinary surgeon shall sign any certificate or other document prescribed by or under any Act which requires the signature of a veterinary surgeon or veterinary officer in respect of the freedom from disease of any animal or animal product.</p>	<p>vi. medicating an animal with a registered vaccine or medicament;</p> <p>vii. rasping teeth;</p> <p>viii. transferring ova in an animal by non-surgical means if performed in accordance with the Artificial Breeding of Stock Act 1965 2 by a person who is licensed under that Act to do so;</p> <p>ix. vivisection and other experiments or operations on animals (including giving any necessary anaesthetic) if performed in accordance with the Animal Welfare Act 2002 by a person who is authorised under that Act to do so.</p>
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There are exceptions to who can perform a restricted act of veterinary science in many states, in particular owners of animals, employees of owners and in cases of emergencies in general. This has not been covered fully in this paper and may need more consideration.

Some states have some unique features in their legislation relating to restricted acts of veterinary science and this is covered below:

ACT

In the ACT, the Board has the right to decide that the profession needs to be regulated if there is a likelihood of harm to the health and safety of the public if the service ordinarily provided by the profession is not provided properly or if there is likely to be an increase in the quality of the services provided, to the benefit of the public, if the profession is regulated.

A Notifiable Instrument is produced by the Board. This instrument is available on the VPB's website. Notifiable Instrument NI2007-420 contains acts of veterinary science and acts which are considered not acts of veterinary science in the ACT.

NSW

In NSW the legislation provides that a person other than a veterinary practitioner is not entitled to recover fees or charges for doing a restricted act of veterinary science except in certain circumstances.

To establish what is a restricted act of veterinary science the Minister must seek the advice of the advisory committee on the proposed regulation. The advisory committee is appointed by the Minister who usually takes advice from a Governmental veterinarian.

The advisory committee may make a recommendation to the Minister that an act of veterinary science should be declared to be a restricted act of veterinary science only if it considers that if such an act were performed on an animal by a person other than a veterinary practitioner it would be likely:

- to cause unacceptable levels of harm or suffering to the animal, or
- to affect human health adversely, or
- to affect domestic or international trade adversely.

The advisory committee may include in its recommendations circumstances in which a person other than a veterinary practitioner should be allowed to do the act of veterinary science concerned.

When the present list of restricted acts of veterinary science were established, after the advisory committee had made its recommendation to the Minister and consultation with the AVA had been completed, equine dental groups lobbied the Minister and had the following included as a non-restricted act of veterinary science - *using a power tool to carry out a procedure to maintain or restore correct dental function on a horse that has been adequately sedated under the immediate and direct supervision of a veterinary practitioner.*

WESTERN AUSTRALIA

There is specific legislation that allows restricted acts of veterinary science in remote areas of Western Australia.

Nothing prohibits the performance, whether or not for reward, by a person of a veterinary service prescribed, if, within 50 kilometres of the place where the service is required either no registered veterinary surgeon is in practice; or no registered veterinary surgeon willing to perform the service can be found; or no registered veterinary surgeon is available to perform the service within a reasonable time.

Also in some prescribed area of the State the following may be performed- *using humane methods, of the operation of spaying cattle or of castrating any animal over the age of 12 months; or using humane methods, of the operation of dehorning cattle, tailing or mulesing lambs, or of castrating any animal not over the age of 12 months;*

VICTORIA

In Victoria legislation no longer recognises any restricted acts of veterinary science.

RECOMMENDATION

Any act of veterinary science must be restricted to registered veterinary practitioners

An 'act of veterinary science' means services which form part of the practice of veterinary surgery, and includes attendance, examination, the diagnosis of the physiological status of an animal, the diagnosis of disease or injury, the treatment of disease or injury, giving advice on the diagnosis or treatment of disease or injury, performing surgical operations on animals, administering anaesthetics to animals; the prescribing of scheduled poisons for use in

animals , administering vaccines, and the provision of veterinary certificates.

No person other than a person who is a registered veterinary surgeon shall sign any certificate or other document prescribed by or under any Act which requires the signature of a veterinary surgeon or veterinary officer in respect of the freedom from disease of any animal or animal product.

In addition to the above, the following should only be performed only by registered veterinary surgeons.

- Stomach tubing or oesophageal intubation of horses
- Artificial insemination of horses
- Sampling for disease residue – production animals
- Pregnancy testing of horses by rectal examination
- Laparoscopic insemination
- General anaesthesia*
- The carrying out of any treatment, procedure or test that involves the insertion of anything in the nasal passage, nasal sinuses, thoracic cavity, abdominal cavity, pelvic cavity, cranial cavity, spinal cavity, tooth alveolar cavity, eye, orbital cavity, tympanic cavity, joint spaces or any other synovial cavity of any animal
- The performing of any dental procedure on any animal other than manual rasping on a horse performed by a person with an appropriate Certificate IV training
- The performing on a horse of any dental procedure that involves;
 - Making an incision through the skin or oral mucosa, or
 - Extracting a tooth by repulsion; or
 - Entry below the gum line; or d. Any other activity to maintain or restore correct dental function (except as provided for in 5. below).
 - The use of a power tool
- Genetic testing.

I recommend that a working party be put together to look at the above list referring to the current AVA policies where relevant to decide what should be included and to develop a list of accepted exclusions from restricted acts of veterinary science.

16. Use of name or pretending to be registered

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
ss 71-72A	ss 11-13	s 25	s 25Q	s 42	s 12	s 57	s 26A

All states have penalties for persons who falsely represent themselves as veterinarians. Some states have certain terms that can only be used by a veterinarian

RECOMMENDATION

The terms veterinary surgeon, veterinary practitioner, veterinarian, vet, animal

doctor or any derivative of these terms should not be used by anyone other than a registered veterinarian.

The term veterinary specialist should only be used by a veterinarian registered as a specialist and then only in the field of speciality that they are registered in.

17. CPD/ Return to work

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
s 23D R 129-132, Sched 12.5 s 112 s 131 NI2007-420	s 33 R 10		s 26 R 26	s 13 s 36 (2) s 43			s 31

The ACT, NSW and QLD jurisdictions impose regulations for veterinarians to maintain records of continuing professional development (CPD). No other states or territories govern CPD.

NSW has mandatory reporting of CPD in an annual return as a prerequisite of continuing registration, while in Queensland and the ACT records must be maintained and produced if required by the Board. In Queensland it states that CPD records need to be maintained for 3 years.

While the South Australian Act does not mandate CPD the legislation lists a function of the Board to prepare or endorse guidelines on continuing education for veterinary surgeons. Any guidelines need to be 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 of 60 points over a consecutive three year period of which, at least 15 points must be structured points. The remaining 45 points may be unstructured points or more structured points.

The points system is the same as the AVA and as such veterinarians can elect to use the VetEd CPD statements to record their points.

In NSW only the accumulated points have to be recorded in the annual return. Activity validation records are kept by the veterinarian for possible future reference

In the ACT and SA a veterinarian re-applying for registration after a gap, is not automatically approved.

In the ACT Act when applying for registration the Board may require written evidence that the applicant has practised under the supervision of a veterinary surgeon and is competent to practise, and/or that the applicant has undertaken CPD. The veterinarian

may also be required to demonstrate recency of practice which is stipulated as having practised in the 5 years before the day the application is made

In the South Australian Act there is a Clause relating to any veterinarian who has not provided veterinary treatment for a period of 3 years or more. These veterinarians have to obtain approval from the Board before providing veterinary treatment for fee or reward. The Board can require this veterinarian to complete further training or impose conditions on the veterinarian.

RECOMMENDATION

CPD should be mandated for all registered veterinarians. The minimum requirement should be 60 points over a consecutive three year period of which, at least 15 points must be structured points. The remaining 45 points may be unstructured points or more structured points.

The points system should be the same as the AVA's VetEd points table

There should be consistent requirements of recency, CPD and evidence of competency for those returning to practice after a prolonged absence.

18. Unprofessional conduct

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
ss106-108 NI 2007-420	R 11-13 s 16 Sched 2 Sched 1	s 28 Sched 2	s 22F	s 4 s 13		s 3	s 23(4) R 28

Some states give very general definitions for unprofessional conduct while others specify what actions may constitute unprofessional conduct.

ACT, NSW and NT have Codes of Professional Conduct which give veterinarians details as to the expectations upon them. Many of the inclusion in these Codes mirror those in the AVA Code of Professional Conduct.

RECOMMENDATION

Veterinary legislation should include a Code of Professional Conduct to allow veterinarians guidance as to what would constitute unprofessional conduct.

Input is needed as to what should be included in the Code. Reference to the ACT, NSW, NT and AVA Codes of Professional Conduct will help with this task.

The Code should include as a minimum:

- Reference the standards that conform with current expectations of peer veterinarians
- Primary concern for the welfare of animals
- Not refusing to provide relief for an animal in pain or suffering
- The requirement to refer where appropriate
- Not misleading, deceiving or behaving in such a way as to have an adverse effect on the standing of any veterinary practitioner or the veterinary profession.
- Obtaining the informed consent of the person responsible for the care of an animal before providing veterinary services to the animal.
- Maintain the confidentiality of information obtained in the course of professional practice
- The requirement to keep adequate clinical records
- All certification by a veterinary practitioner must be accurate.
- That a veterinary practitioner must not perform a surgical operation for the correction of an inheritable defect, or provide medical treatment for an inheritable disease, unless the primary purpose of the operation or treatment is to relieve or prevent pain or discomfort to the animal concerned and they advise the owner not to breed from the animal.
- Rules for use of prescription and scheduled medication

19. Veterinary nurses

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
							s 26E R 64-73E

The Western Australian Act is the only state Act that requires the registration of veterinary nurses. All veterinary nurses and trainee veterinary nurses need to be registered. Veterinary nurses need to have a Certificate IV to become registered. Trainee nurses need to be enrolled in a recognised course.

The following is the list of duties that a veterinary nurse may perform under the direction of a veterinarian:

A veterinary nurse may, in the presence of, and under the immediate and direct personal supervision of, a registered veterinary surgeon, assist the surgeon to perform surgical procedures.

The following duties and veterinary services may be performed by a veterinary nurse under the personal supervision of a registered veterinary surgeon —

- *dental prophylaxis, including simple extraction of teeth;*
- *superficial surgical procedures (such as suturing skin);*
- *taking images using x-rays, ultrasound, ECG or similar imaging techniques, in accordance with the Radiation Safety Act 1975 and any other relevant written law;*
- *taking samples for the purposes of pathology tests;*
- *setting up and supervising intravenous drips and transfusions;*
- *inserting and removing indwelling catheters for the administration of intravenous fluids;*
- *assisting with and monitoring the administration of anaesthetics;*
- *monitoring the recovery of animals from anaesthesia.*

The following duties and veterinary services may be performed by a veterinary nurse under the direction of a registered veterinary surgeon —

- *physically examining animals;*
- *giving general health advice in relation to weight loss, nutrition, parasite control and similar matters;*
- *isolating animals and carrying out barrier nursing;*
- *administering scheduled drugs;*
- *supplying to customers medication specified by the registered veterinary surgeon;*
- *dressing wounds and post-surgical care;*
- *supervising, caring for and nursing animals;*
- *performing clinical pathology tests.*

A trainee veterinary nurse may perform those duties and veterinary services only in the presence of, and under the immediate and direct personal supervision of, a registered veterinary surgeon.

The AVA has a position statement that the term “veterinary nurse” should only apply to those with a Certificate IV in Veterinary Nursing. There has been some debate on whether all nurses should be registered, including a panel discussing the issue at the AVNC Conference this year.

RECOMMENDATION

There needs to be further consultation with AVA and VNCA members on this issue. There has been some feedback from AVA members that there is still a great variability in the competencies of graduates from different providers of the Certificate IV Veterinary Course across Australia. This needs to be addressed before recommending veterinary nurse registration in all states.

20. Paraprofessionals

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
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	R 5						s 26(4)(b) R 47
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In some Acts the Board has the ability to accredit or authorise non-veterinarians to do restricted acts of veterinary science in certain circumstances

This would apply in the case where the Board is satisfied that the person has a qualification that is appropriate to allow this. This could be used to allow certain paraprofessionals to acquire accreditation to perform certain restricted acts.

There are also clauses in some Acts that give authority to persons who hold an authority to carry out animal research under section 25 of the *Animal Research Act 1985* and who are acting as permitted by, and in accordance with, that authority to do restricted acts of veterinary science in certain circumstances

RECOMMENDATION

There is concern about allowing paraprofessionals the ability to perform restricted acts of veterinary science without the underpinning knowledge obtained in veterinary degree often required to ensure the best outcomes for the animal. The Act is an appropriate place to recognise any course/qualification that is appropriate to allow the practise of restricted acts of veterinary science, but there should be safe guards that require stringent review of the qualifications and competencies of the persons before the Board can accredit.

Persons who hold an authority to carry out animal research under section 25 of the *Animal Research Act 1985* and who are acting as permitted by, and in accordance with the Act, should be allowed the authority to do restricted acts of veterinary science in these circumstances.

21. Penalties

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
	s 101 R 22 Sched 3	s 34		s 23	s 46	s 21(3) s 38(2)	s 23

Different Acts allow for different penalties to apply when unprofessional conduct is determined. This can include things such as fines, cautions, requirements of further education and cancellation of registration.

In the Northern Territory the Board can require the veterinarian to pay to a complainant a specified amount by way of compensation for any loss or detriment suffered by the complainant.

RECOMMENDATION

When unprofessional conduct is determined against a registered veterinary practitioner the penalties applied should be appropriate to the seriousness of the breach and include any or all of the following:

- That the veterinary practitioner undergo counselling
- That the veterinary practitioner undergo further education
- That the veterinary practitioner is cautioned
- That the veterinary practitioner is reprimanded
- Imposing a fine
- Imposing conditions, limitations or restrictions on the registration
- Suspend registration
- Cancel registration

The veterinarian should have the right to appeal decisions made by the Board.

Veterinary Practice Acts should not include the right for the Board to award compensation to the complainant.

22. Written statement of decision

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
	s 97	s 31B(4)(b)					

RECOMMENDATION

The Board should be required to provide a written statement of any decision when requested by a veterinarian who has had a decision made against them. This should be provided within 28 days.

23. Drug prescribing

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
	Sched 2. 20		R 25 R 28		s 3		R 29-31

In several Acts there are specific clauses relating to the prescription of scheduled drugs including record keeping and the need to have examined the animal, while other Acts refer to breaches of the relevant prescribing laws as unprofessional conduct.

The Western Australia Act has a large amount of detail relating to prescribing scheduled drugs. It also includes a Clause that allows some exceptions to the rules for certain remote pastoral regions as follows

Prescription of scheduled drugs for animals on certain properties in pastoral region

A registered veterinary surgeon may prescribe a scheduled drug without complying with if —

- *the property on which the animal is kept is in the pastoral region or is otherwise approved by the Board for the purposes of this paragraph; and*
- *the registered veterinary surgeon has knowledge of the property, the types of animals kept on the property and the conditions under which animals are kept there; and*

- the scheduled drug is, or is of a class of drug, specified in the Table to this subregulation, and no other scheduled drug.

Table

<i>adrenalin</i>	<i>non-steroidal anti-inflammatory</i>
<i>antibiotic</i>	<i>short-acting cortico-steroid</i>
<i>antihistamine</i>	<i>snake antivenom</i>
<i>atropine</i>	<i>tranquilliser or sedative</i>
<i>local anaesthetic</i>	

RECOMMENDATION

A veterinarian must be required to follow all legislation relating to prescription of scheduled drugs. Any veterinarian found guilty of an offence under this legislation should be found guilty of unprofessional conduct.

A veterinarian should only supply prescription or scheduled substances:

- to a person responsible for the care of an animal that the veterinary practitioner has physically examined and only in respect of that animal, or
- with the authority of another registered veterinary practitioner who has physically examined the animal concerned and only in respect of that animal.

A veterinarian who supplies or prescribes a scheduled drug must make a clinical record of the supply or prescription including:

- the name and address of the owner of the animal; and
- sufficient details to identify the animal; and
- the clinical history of the animal including the results of any examination of, or diagnostic tests carried out on, the animal; and
- the name of the drug; and
- the quantity of the poison supplied or prescribed.

A veterinary practitioner must not obtain any restricted substance medications in order to take that substance himself or herself.

There may need to be some consideration to the need for exceptions in remote areas, such as contained in the WA legislation

24. Impaired Licensed Veterinarian

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
s 88-105	s 7(3) s 33(1)(b) s 56A s19(3)(f)		s 18(3) s 22D	s 3-4 s 20 s59-60 R 8	s 46 (1) (b)	s 3 s 6(2)(b) s 6(2)(f) s25-33 s46	

Unfortunately there are a number of veterinarians who are impaired due to physical or mental health issues or substance abuse. Most legislation allows Boards to determine complaints relating to a veterinarian's impairment inhibiting their ability to practice as a registered veterinarian. Some Acts give the Board the right to ask a veterinarian to attend a medical assessment.

While legislation needs to provide a way to ensure that a veterinarian's impairment does not endanger any animal's health, safety or welfare, the Board should only remove the right to practice where this is clearly the case. Alongside or instead of any restrictions where the impairment is due to substance abuse the Board should establish an impaired veterinarian program similar to that available to the medical profession.

RECOMMENDATION

A veterinarian should be considered to suffer from **impairment** if the person suffers from any physical or mental impairment, disability, condition or disorder which detrimentally affects or is likely to detrimentally affect the person's capacity to practise veterinary science. Habitual drunkenness or addictions to a deleterious drug are also considered to be a physical or mental disorder.

The power to require medical examination when there is a complaint or evidence that a veterinarian may be impaired should be in place. The Board should be able to place conditions or suspend a veterinarian in the case where an animal's health, safety or welfare is endangered.

The Board should only remove the right to practice where it is clearly evident that patient care or safety is endangered. Where the impairment is due to substance abuse, alongside or instead of any restrictions the Board should establish an impaired veterinarian program similar to that available to the medical profession. This impaired veterinarian program should be consistently applied by rule and include a program of care, counselling, or treatment for impaired registered veterinarians.

The program of care, counselling, or treatment shall include a written schedule of organised treatment, care, counselling, activities, or education satisfactory to the Board, designed for the purposes of restoring an impaired person to a condition whereby the impaired person can practice with reasonable skill and safety of a sufficient degree to deliver competent patient care.

The Act must include a Clause to ensure privacy of medical reports relating to impaired veterinarians.

25. Students

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
	s 9(2)(c)				s 11 (2) (c)	s 7(1)(a) s 7(1)(c) s 60	R 46

RECOMMENDATION

That a person who is a student enrolled in an accredited veterinary degree should be able to perform a restricted act of veterinary science when doing so as part of the requirements of the course under the direct and immediate supervision of a registered veterinary practitioner

26. Controlling interest

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
s 73A	s 7(2) s 14 s 15			s 51 R 7	s 26-29 s 33	s 58A	s 24A (2) s 26B R 33

Over the last few years, there has been debate relating to the ownership of veterinary practices. There is concern among some AVA members that non-veterinary owned practices may influence veterinarians' medical decisions in preference to profiteering. In several states legislation dictates who can own and operate veterinary premises, while in others there are no restrictions.

In NSW, one or more veterinary practitioners must have the *controlling interest* in the practice. A person has, or persons have, a *controlling interest* in a corporation or practice if the person has, or persons have, the capacity to determine the outcome of decisions about the financial and operating policies of the corporation or practice. This does not preclude corporate ownership as long as at least 50% of the directors who have control over financial decisions are veterinarians.

Western Australia legislation requires all veterinary clinics and hospitals to be under the management of a registered veterinary surgeon.

While Victoria, ACT and South Australia legislation does not specify that veterinarians have a controlling interest in a practice, there is a clause that makes it an offence for a person who employs a registered veterinarian to incite unprofessional conduct. The NSW government also included a similar clause in the NSW VPA when they were considering a change to the controlling interest clause.

RECOMMENDATION

As this is a contentious issue in NSW, where members voted that legislation should continue to require a veterinarian to have a financial controlling interest this will need further consultation.

The minimum requirement would be for all legislations to include a clause that makes it an offence for a person who employs a registered veterinarian to incite unprofessional conduct.

27. Committees

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
	s 49	Sched 2(2)		s 15-16		s 21(3)	

Several state Acts contain the ability to establish committees to perform certain of its functions, and in some cases to co-opt non Board members with expertise needed onto these committees.

NSW	<p>The Board may establish committees to assist it in connection with the exercise of any of its functions. It does not matter that any or all of the members of a committee are not members of the Board.</p> <p>The procedure for the calling of meetings of a committee and for the conduct of business at those meetings may be determined by the Board or (subject</p>
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	<p>to any determination of the Board) by the committee.</p> <p>The Board may delegate any of its functions (other than this power of delegation) to:</p> <ul style="list-style-type: none"> • a member of the Board, or • a committee of the Board, or • the Registrar or any other member of staff of the Board. <p>The Board must not delegate any of its functions under Part 5 (Complaints and disciplinary proceedings) to the Registrar or any other member of the staff of the Board other than the investigation of a complaint or a function relating to the investigation of a complaint.</p> <p>The Board may delegate any of its functions under Part 5 to a committee or require such a committee to make recommendations to the Board in relation to a complaint.</p> <p>It does not matter that any or all of the members of the committee are not members of the Board.</p> <p>However, a committee is to include at least one member who does not hold qualifications in veterinary science and, if a committee is determining a complaint, must also include a member who is an Australian lawyer and who is to be the Chairperson of the committee.</p>
NT	<p>The Board may establish a committee to advise it on a matter. The Board may appoint persons who are not members to be members of a committee, but the membership of a committee shall comprise at least one member of the Board</p>
SA	<p>The Board may establish committees to advise Board and carry out functions. The committee can contain non-members of the Board. The Board may delegate (to member of Board, Registrar, staff or committee) accept to hear and determine proceedings under Part 5 Investigations and proceedings</p>
VIC	<p>The preliminary investigation into a complaint about professional conduct may be delegated to</p> <ul style="list-style-type: none"> • An officer of the Board • A lawyer or investigator retained by the Board • A sub-committee of the Board consisting of not more than 3 members of the Board • s 35 Informal hearing panel , may appoint a persons with expertise outside of the Board

RECOMMENDATION

The Board should be able to establish committees to delegate certain of its functions to.

- This should include the ability to establish a committee to investigate complaints into professional conduct.
- The Board must not be able to delegate the determination of a

complaint to a committee.

- The Board should be able to appoint persons with expertise outside the Board to advisory committees.
- All committees should include at least one member of the Board.
- The presiding member of any committee should be a Board member

28. Specialists

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
R Sched 12.4	s 13 s 25	s 15	s 19C-19E R 22-23 R Sched 2A	s 13(c)	s 16	s 8	s 20AB R 16A-16B, R Sched 2 R Sched 3 s 26AA

An assessment process for persons seeking specialist registration has been established by the Boards in Australia and New Zealand. This process is conducted by a committee of the AVBC called Advisory Committee on Registration of Veterinary Specialists (ACRVS). In Australia, the ACRVS undertakes assessments only upon the request of a Board. This Committee has been established to help maintain uniformity of registration standards between States. Once a recommendation is received from ACRVS, the Board considers the application.

Many states list the veterinary specialties that will be recognised and registered in their state. These lists have some inconsistencies across the states.

RECOMMENDATION

All states should keep a register of veterinary specialists.

- Only those registered as a veterinary specialist can purport to be a veterinary specialist
- A person cannot be on the specialist register unless the person is also on the general register
- All specialists should be assessed by the Advisory Committee on Registration of Veterinary Specialists (ACRVS), a committee of the AVBC. The ACVS should make a recommendation to the Board for their consideration as to whether registration should be approved.
- The list of prescribed specialities should be harmonised across all states (further input from AVA required)

29. Advertising

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
R 149 NI2007-420		s 43				s 59	R 33A

Historically veterinary acts dictated whether and how veterinary practices could advertise. Many of these restrictions were lifted to comply with Australian Consumer Law Below is the existing legislation relating to advertising.

ACT	A registered health professional must not advertise a health service in a way that is misleading
NT	A person shall not in an advertisement or notice relating to the provision of veterinary services by a person, make a statement or representation that is false or misleading by reason of the inclusion of any false or misleading matter or the omission of a material matter
VIC	<p>A person must not advertise a veterinary practice or veterinary services in a manner which:</p> <ul style="list-style-type: none"> • is or is intended to be false, misleading or deceptive; or • offers a discount, gift or other inducement to attract persons to a veterinary practitioner or veterinary practice unless the advertisement also sets out the terms and conditions of that offer; or • refers to, uses or quotes from testimonials or purported testimonials; or • unfavourably contrasts veterinary services provided by a veterinary practitioner or veterinary practice with services provided by another veterinary practitioner or veterinary practice.
WA	<p>A registered veterinary surgeon shall not publish, or cause or permit to be published, an advertisement in connection with a veterinary practice that:</p> <ul style="list-style-type: none"> • is false or misleading; or • is vulgar or sensational; or • is likely to adversely affect the reputation or standing of any veterinary surgeon or the veterinary profession; or • expressly or impliedly claims superiority for the veterinary surgeon over any or all other veterinary surgeons.

While veterinary practice Acts should not dictate where and how practices advertise, there should be an expected level of professionalism as to not bring the veterinary profession into disrepute. Any legislation would need to apply to practices rather than individuals to ensure corporate owned practices need to comply.

RECOMMENDATION-

A person or corporation must not advertise a veterinary practice or veterinary services in a manner which:

- is or is intended to be false, misleading or deceptive
- is likely to adversely affect the reputation or standing of any veterinary

- surgeon or the veterinary profession;
 - expressly or impliedly claims superiority for the veterinary surgeon over any or all other veterinary surgeons
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30. Miscellaneous

Below are some miscellaneous items that the AVA should also consider:

1. Several states require practices to display a sign stating what the practices is registered to do.
2. NSW requires veterinarians to read a declaration (as follows) when they become registered. (Schedule 1).

I, [insert name] of [insert address] am an applicant for registration as a veterinary practitioner under the Veterinary Practice Act 2003 and I declare that:

(a) I will pursue the work of my profession with diligence, and

(b) in practising veterinary science:

(i) I will promote the welfare of animals, and

(ii) I will observe the veterinary practitioners code of professional conduct referred to in section 37 of the Veterinary Practice Act 2003, and

(iii) I will maintain a standard of professional knowledge and expertise at a level that is accepted by my professional colleagues who are of good standing, and

(c) I will not practise veterinary science if I am aware that I am impaired by a physical or mental illness or disorder that detrimentally affects or is likely to detrimentally affect my capacity to practise.

3. There are different requirements in the length of time clinical records need to be kept – ranging from 3 years to 7 years.
4. Several states require an applicant to have competency in written and spoken English to register. (Vic s 6(2)(fa), Qld s 18(2)(b) and ACT s 37(1)(b))
5. There are different registration years across the states, all states other than NSW specify a calendar year while NSW specifies 30th June as end of a registration year. In Tasmania payment needs to be made by March 1st for a calendar year registration.
6. Several Acts specify a certificate of registration to be sent to every registered veterinarian that needs to be returned if they stop being registered for any reason.
7. Several Acts include a Clause regarding secrecy or confidentiality

ADDITIONAL RECOMMENDATIONS:

Inclusion of the following into VPAs:

Any animal placed in the custody of a registered veterinarian for treatment, boarding or other care, which is not retrieved by the client within ten calendar days after written notice is sent by certified mail, registered mail, postage pre-paid return receipt requested, or courier with confirmation of receipt to the client at the client's last known address shall be deemed to be abandoned. The veterinarian needs to inform the owner in writing when they leave the animal that this will be the case. Such abandoned animal may be turned over to a humane society or animal shelter, adopted or otherwise disposed of by the licensed veterinarian.

If notice is sent, the registered veterinarian responsible for such abandoned animal is relieved of any further liability for disposal. If a licensed veterinarian follows the procedures of this Section, the veterinarian shall not be subject to disciplinary action under this Act, unless such registered veterinarian fails to provide the proper notification to the client.

Annual Report requirements

All Board should be required to collect and publish a minimum set of data on the veterinary workforce within their state or territory. The data collected should be the same over all the jurisdictions to allow for accurate comparisons and to allow proper analysis of workforce. This is essential to ensuring that animal welfare and public needs are addressed. The AVA should establish a list of data to be collected appropriate to this task.