



## Recommended key principles for veterinary practice acts in Australia

Ratified by the Board 24<sup>th</sup> April 2017

### 1. Objectives of the Act

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The objective of veterinary practice acts should be to regulate the practice of veterinary science to ensure that acceptable standards are met by veterinary practitioners so as to:

- protect the health, safety, and welfare of animals
- protect the public health, safety and welfare of the public
- protect consumers so that they have confidence in accessing veterinary services that are provided by competent persons holding recognised qualifications from approved training institutions
- meet international trade requirements.

### 2. Functions of veterinary boards

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Functions of veterinary boards should be to:

- register veterinary practitioners and veterinary specialists
- recognise qualifications and accredit/approve courses of training which provide qualifications for registration as veterinary practitioners and specialists
- 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
- facilitate mediation between a veterinarian and complainant where appropriate
- 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'
- issue guidelines about appropriate standards of veterinary practice and veterinary facilities
- licence veterinary facilities
- arrange, where the Board thinks necessary, for the inspection of veterinary facilities
- promote high standards of professional conduct in the provision of veterinary services
- prepare or endorse guidelines on continuing education for veterinary practitioners



- prepare or endorse codes of conduct and professional standards for veterinary practitioners
- provide advice to the responsible Minister and government department with respect to any matters in connection with the administration of veterinary practice Acts and in relation to veterinary services and any other information reasonably required by the Minister.

### **3. National recognition of veterinary registration**

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The ideal solution would be a single national Act governing veterinarians in Australia.

However, it is acknowledged that this would be difficult to accomplish in the short to medium term and that the first step should be the completion of mutual national recognition of veterinary registration across all states and territories. This should be followed by harmonisation of the key components of the relevant legislations as outlined in these recommendations.

All states and territories should adopt changes to their legislation to allow national recognition of veterinary registration as soon as possible. This includes the implementation of the following recommendations based on the regulatory impact statement released by the Department of Agriculture, Fisheries and Forestry in 2007:

- there should 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
- this provision shall only apply in the case of persons holding general and/or specialist registration
- 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
- this registration shall be deemed to be suspended or cancelled if it is suspended or cancelled in the first state or territory
- 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 the first point above
- a person must apply for primary registration in the state or territory of their primary place of residence. If a registered veterinary practitioner moves his/her primary place of residence to another state or territory they shall advise the Board in that new state or territory within three months of such a move or at the time of annual re-registration.





#### **4. Board composition, establishment and term**

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It is recommended that:

- veterinary board members should be in the majority veterinarians
- boards should have some non-veterinary consumer member(s)
- the legislation should not require the Chair of the board to be a lawyer
- the legislation should not require there to be a lawyer on the board but may state that a member of the board being a lawyer may be an advantage
- some basic legal and governance training should be provided to new board members e.g. levels of evidence
- the appointment of board members should be staggered to avoid a board with limited experience
- board member selection should take into consideration the mix of expertise, geographical/practice type and gender balance needed and be based on advice from the AVA, universities (where relevant), current board members and consumers.

#### **5. Staff**

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Legislation should allow for veterinary boards to employ and manage a registrar and other staff as needed for the proper performance of the board's functions.

#### **6. Committees**

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The board should be able to establish committees to which it can delegate certain of its functions.

- 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.
- 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.





## 7. Registration of veterinary practitioners

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- Veterinary boards should keep the following registers:
  - a general register of veterinarians
  - a specialist register
  - a register of persons who have been removed from the general or specialist register and have not been reinstated.
- Acts of veterinary science may only be performed by those registered on the general or specialist registers.
- 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
  - date of birth
  - 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, under what specialty 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
  - whether removal was due to disqualification or suspension, and the duration of the 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.
- Boards should be able to supply the Australian Veterinary Association with the general register excluding phone numbers and email addresses each year to allow better workforce needs analysis.
- 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 qualifications in a course approved by the Australian Veterinary Board Council (AVBC)
- is medically fit to provide veterinary treatment
- is covered by professional indemnity insurance appropriate to the work they undertake
- is a fit and proper person to be registered.

The board may impose one or more of the following conditions of registration on 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
- limited access to scheduled drugs.

Limited registration for those without the required qualifications may be available to allow a person to undertake research, teaching or study.

## 8. Specialists

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All veterinary boards 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 ACRVS should make a recommendation to the board for their consideration as to whether registration should be approved.

The list of prescribed specialties should be harmonised across all states and territories as determined by the AVBC with advice from the ACRVS.

## 9. Unregistered practice

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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.





## 10. Students

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A person who is a student enrolled in an accredited veterinary degree should be able to perform a restricted act of veterinary science which would reasonably be expected to be performed by a new graduate when doing so as part of the requirements of the course under the direct and immediate supervision of a registered veterinary practitioner.

## 11. Use of name or pretending to be registered

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A person must not represent them self to be a veterinary practitioner or allow them self to be represented to be a veterinary practitioner unless they are a registered veterinary practitioner.

Without limiting the ways in which person can be considered to be represented to be a veterinary practitioner, a representation using any of the following titles, names or descriptions constitutes such a representation:

- veterinary surgeon
- veterinarian
- vet
- animal doctor
- animal dentist
- veterinary dentist.

To give consumers clarity and protection, the word “veterinary” should be removed from university and TAFE courses that do not lead to a registrable veterinary degree.

Consideration could be given to encouraging the use of a specific Registered Veterinarian post-nominal to distinguish those veterinarians who are currently registered from those with a veterinary degree who are not registered (e.g. as is the case in UK).

## 12. Restricted acts of veterinary science

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In order to protect the health, safety, and welfare of animals, the performing of acts of veterinary science must be restricted to registered veterinary practitioners.

Veterinary practice acts within Australia must define and legislate acts of veterinary science consistently across jurisdictions, to protect animals and the community.





An 'act of veterinary science' means services which form part of the practice of veterinary surgery and medicine and includes:

- the diagnostic confirmation of, treatment of, and provision of management advice for infectious disease, physiological dysfunction, psychological dysfunction, and injury in animals
- performing invasive or surgical procedures on animals
- administering anaesthetics to animals
- the exercise of prescribing rights for veterinary chemicals, medicines or poisons which may be restricted by scheduling or registered label
- the provision of veterinary certificates.

A formal degree in veterinary science, registrable within Australia, is the minimum acceptable knowledge base and skill set necessary to perform acts of veterinary science competently. This minimum standard is in place to protect animals and the community, and is supported by the majority of Australian state and territory veterinary practitioner boards. The veterinarian is uniquely qualified to make evidence-based diagnoses, to manage patients before, during and after procedures, and to understand the systemic impacts of medical or surgical interventions on the individual patient. This level of knowledge and expertise is essential in order to minimise adverse welfare consequences and yield successful outcomes for the patient.

In addition to the broad categories listed above, the range of procedures which should only be performed by registered veterinary practitioners includes:

- stomach tubing or oesophageal intubation of horses
- artificial insemination and embryo transfer of horses and camelids
- pregnancy testing of horses and camelids by rectal examination
- microchip insertion in horses
- sampling of tissue from live animals
- 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 qualification



the performing on a horse of any dental procedure that involves: making an incision through the skin or oral mucosa or entry below the gum line; extracting a tooth by repulsion; or any other activity to maintain or restore correct dental function (except basic hand filing and rasping performed by a person with an appropriate Certificate IV qualification)

- the performing on a horse of any dental procedure that involves the use of a power tool
- cattle spaying by flank or dropped-ovary method
- signing 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 certification of disease status, including freedom from disease of any animal or animal product.

Veterinarians who are employed in public service positions within a government department should be required to be registered where the position requires the employee to hold a veterinary degree or where they are certifying freedom from disease or developing animal health policies.

### **Exemptions**

There are some areas that may be exempt from the above for specified procedures under certain legislation, for example Animal Control Officers performing euthanasia. Nevertheless, the principle of protection of the animal should underpin any exemptions.

#### *Research*

The Australian code for the care and use of animals for scientific purposes 8th edition requires a program of veterinary care to be established wherever animals are to undergo procedures that include acts of veterinary science. It also requires researchers to be assessed and certified as competent to undertake these procedures. Though implementation of these requirements currently varies under legislation in different states, the Veterinary Practice Acts Review Taskforce agreed that the minimum requirement should be the need for veterinary oversight where any act of veterinary science was to be undertaken.

The facility veterinarian should directly assess the competence of researchers and technicians to undertake invasive or potentially painful procedures on animals. This will include direct assessment and approval of surgical technique, as well as anaesthetic and peri-operative analgesic protocols.

#### *Husbandry*

Some acts of veterinary science are routinely performed on livestock species by lay persons, and veterinary practice acts may grant exemptions for these procedures. In this case, it is essential that any associated compulsory standards such as age restrictions, requirements for competence, and use of analgesia are observed and enforced.







*Veterinary students, nurses and technicians*

Veterinary practice acts may grant an exemption for students, nurses and technicians to perform acts of veterinary science under the direct supervision of a registered veterinary practitioner.

### **13. Disciplinary proceedings and complaints against registered veterinary practitioners**

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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 within 12 months of the complainant becoming aware of the grounds of the complaint.
- The board may initiate a complaint if it becomes aware of a possible breach of professional conduct.
- All investigation or hearing committees or panels must contain at least one veterinarian.
- 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 of endangerment to:
  - the health and safety of the public
  - the welfare of animals
  - the integrity of racing or other industry
  - the integrity of the country's biosecurity systems.
- Investigations need to be timely, with veterinarians notified within 28 days after any hearing, with a written notice stating findings.
- The veterinarian needs to have the right of appeal on decision.
- The board must supply a written reason for a final 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.
- The board should provide details of support organisations and personnel to veterinarians under investigation.





## 14. Inspectors and investigations

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While it is recognised that the board should have the power to enter 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 a 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
- Inspectors should be appointed by the board, and board members should not be inspectors.

This does not relate to the inspection for the purposes of licensing or accreditation of premises.

## 15. Appeals of decisions of the board

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

## 16. Unprofessional conduct

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Veterinary legislation should include a Code of Professional Conduct or refer to the AVA Code of Professional Conduct to provide veterinarians with 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
- the requirement to provide relief for an animal in pain or suffering, except where it puts the veterinarian's safety at risk
- 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





- where possible, obtaining the informed consent of the person responsible for the care of an animal before providing veterinary services to the animal
- maintaining the confidentiality of information obtained in the course of professional practice
- the requirement to keep adequate clinical records
- the requirement for all certification by a veterinary practitioner to be accurate
- that a veterinary practitioner must not perform a surgical operation for the correction of a heritable defect, or provide medical treatment for a heritable disease, unless the primary purpose of the operation or treatment is to relieve or prevent pain or discomfort to the animal concerned, and the veterinarian advises the owner not to breed from the animal
- rules for use of prescription and scheduled medication.

## 17. Penalties

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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 undergoes counselling
- that the veterinary practitioner undergoes 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
- suspended registration
- cancelled registration.

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

Veterinary practice acts should not include powers for the board to award compensation to the complainant.

## 18. Impaired veterinarians

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A veterinarian should be considered to suffer from impairment if the person suffers from any physical or mental, or substance-abuse related disability, condition or disorder which interferes with their ability to undertake veterinary professional activities competently and safely.





The board should have the power to require examination by a medical professional when there is a complaint and/or sufficient evidence that a veterinarian may be impaired. The board should be able to place conditions on or suspend a veterinarian only when the extent of the impairment is likely to endanger animals', the public, or the veterinarian's own health, safety, or welfare.

Where possible there should be an emphasis on the care, counselling, treatment and/or education of impaired veterinarians designed for the purposes of restoring the impaired veterinarian to a condition whereby they can practise with reasonable skill and safety.

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 and include a program of care, counselling, or treatment for impaired registered veterinarians.

In the case of controlling access to schedule 8 drugs available within the workplace, it may be necessary for the safety of the veterinarian to inform other staff members if the veterinarian is to return to the workplace and this should be part of the agreed program of rehabilitation.

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

## **19. Continuing professional development**

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Continuing professional development (CPD) should be mandated for all registered veterinarians.

The CPD points system should be consistent with the AVA's VetEd points system. Any change to the amount of CPD or allocation of points should be agreed through the AVBC.

There should be consistent requirements for currency, CPD and evidence of competency for those returning to practice after a prolonged absence or those moving to another area of veterinary practice.

## **20. Requirement to hold professional indemnity insurance**

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All registered veterinary practitioners should be covered by professional indemnity insurance appropriate to the work they perform as a condition of ongoing registration.

Regulations should specify the minimum level of cover required, whether it can be provided through the practice's insurance, take into account those who do not work in clinical practice and state that the insurance needs to cover the area of work the veterinarian is undertaking (for example some insurance products exclude equine work).





## 21. Regulation of veterinary premises

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The regulation of premises is desirable under the Act. There is acknowledgement that cost of inspection can be a limiting factor for boards in smaller jurisdictions.

Boards should be allowed to decide how they audit and inspect practices. For example:

- inspections when applying to open premises
- inspections every 3 or 5 years
- self-inspection lists sent out in intervening years
- inspection when a complaint is received.

There should also be clear guidelines for mobile services.

## 22. Veterinary nurses

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There needs to be more consistency in the competencies of graduates from different providers of the Certificate IV veterinary nursing course across Australia before recommending veterinary nurse registration in all states.

## 23. Paraprofessionals

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There is concern about allowing paraprofessionals the ability to perform restricted acts of veterinary science as they lack the underpinning knowledge obtained in the veterinary degree which ensures best outcomes for the animal. In some limited circumstances, appropriately trained and licensed paraprofessionals may perform specified acts, but must be under the supervision of a veterinarian who is responsible for their work. Whether this supervision is direct, or indirect, will vary with the relative risk of the procedures to be performed. For example, a veterinarian may directly supervise and provide sedation during a manual rasp and file of a horse's teeth by a Certificate IV level lay equine dentist. Veterinarians assisting, employing or supervising laypersons must be available to assess, correct and intervene as required, and remain ultimately responsible for the animal's health and welfare.

## 24. Drug prescribing

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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 or misconduct. ).



A veterinarian should only supply prescription or scheduled substances for animals under their care.

For an animal or herd to be under a veterinarian's care:

- the veterinary surgeon must have been given responsibility for the health of the animal or herd by the owner or the owner's agent
- this responsibility must be real and not nominal
- the animal or herd must have been seen immediately before prescription, or
- recently enough or often enough for the veterinary surgeon to have personal knowledge of the condition of the animal or current health status of the herd or flock to make a diagnosis and prescribe, and
- the veterinary surgeon must maintain clinical records of that herd, flock or individual.

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

There may need to be some consideration of the need for exceptions in remote areas, such as is contained in the W A legislation.

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

## **25. Controlling interest**

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The minimum requirement should be for all legislation to include a form of veterinary oversight in practice veterinary protocols and a clause that makes it an offence for a person who employs a registered veterinarian to incite unprofessional conduct.





## 26. Advertising

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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 practitioner or the veterinary profession
- expressly or impliedly claims superiority for the veterinary practitioner over any or all other veterinary practitioners.

## 27. Miscellaneous

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The following are other miscellaneous recommendations relating to veterinary Acts.

- Requirements for the length of time for retention of clinical records should be consistent at 5 years.
- Competency in written and spoken English should be required for general registration. (Limited registration may be considered if there was a special needs area that did not require English competency).
- All states and territories should have the same registration renewal date
- Registration fees should not differ significantly across states and territories.
- The Acts should include clear provisions regarding secrecy or confidentiality of clients' records, detailing how this applies during investigation of complaints and when a veterinarian is required to produce records.
- The inclusion into veterinary regulations that: any animal placed in the custody of a registered veterinarian for treatment, boarding or other care, which is not retrieved by the client within fourteen 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.



- All boards 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 the veterinary workforce. This is essential to ensuring that animal welfare and public needs are addressed.
- There should be clear recognition of the role of the Australian Veterinary Boards Council and its committees in the legislation.
- In the interest of integrity and animal welfare, a regulation should be incorporated into all veterinary Acts making the veterinary board the default disciplinary body and to prevent veterinarians being licensed by any external individual or group apart from the veterinary board.
- If there is a potential breach of another Act there should be the ability to refer a complaint or investigation to the appropriate authority, particularly where the complaint relates to animal cruelty.