

NORTHERN TERRITORY OF AUSTRALIA

VETERINARIANS AMENDMENT REGULATIONS 2012

Subordinate Legislation No. 33 of 2012

Table of provisions

1	Citation	2
2	Regulations amended.....	2
3	Regulation 6 replaced.....	2
	6 Services prescribed not to be veterinary services	
4	Regulation 7 amended	3
5	Regulation 9 amended	4
6	Schedule 2 replaced.....	4
	Schedule 2 Code of conduct	
7	Schedule 3 amended.....	11
8	Regulations further amended	12

Schedule Veterinarians Regulations further amended



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 33 of 2012*

Veterinarians Amendment Regulations 2012

I, Sally Gordon Thomas, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Veterinarians Act*.

Dated 31 July 2012

S. G. THOMAS
Administrator

By Her Honour's Command

P. R. HENDERSON
Chief Minister
acting for
Minister for Primary Industry, Fisheries and Resources

* Notified in the *Northern Territory Government Gazette* on 3 August 2012.

1 Citation

These Regulations may be cited as the *Veterinarians Amendment Regulations 2012*.

2 Regulations amended

These Regulations amend the *Veterinarians Regulations*.

3 Regulation 6 replaced

Regulation 6

repeal, insert

6 Services prescribed not to be veterinary services

- (1) For the definition **veterinary services** in section 3 of the Act, the following services are not veterinary services:
- (a) dehorning cattle or buffalo that are less than 12 months old;
 - (b) castrating cattle, buffalo or camels that are less than 12 months old;
 - (c) castrating goats or sheep that are less than 6 months old;
 - (d) tailing lambs that are less than 6 months old;
 - (e) mulesing sheep;
 - (f) vaccinating animals kept in the course of primary production with a registered veterinary chemical product in accordance with the label;
 - (g) implanting cattle with a hormonal growth promotant that is a registered veterinary chemical product in accordance with the label;
 - (h) pregnancy testing of cattle or buffalo by rectal examination or another technique approved by the Chief Inspector;
 - (i) treatment of internal or external parasites except by naso-gastric intubation;
 - (j) spaying cattle using the Willis Dropped Ovary Technique with the written approval of the Chief Inspector;
 - (k) non-surgical artificial insemination of cattle, sheep, goats or pigs;

-
- (l) cleaning and rasping the teeth of horses with a manual tooth rasp;
 - (m) removing loose tooth caps from horses;
 - (n) scaling and polishing the teeth of animals.
- (2) In this regulation:

label, see section 4 of the *Agricultural and Veterinary Chemicals (Control of Use) Act*.

registered veterinary chemical product, see section 4 of the *Agricultural and Veterinary Chemicals (Control of Use) Act*.

4 Regulation 7 amended

- (1) Regulation 7, heading

omit

25

insert

24

- (2) Regulation 7(1)

omit

25

insert

24

- (3) Regulation 7(1)(b) and (c)

omit, insert

- (b) the administration to an animal by a person of the following:
- (i) a substance in accordance with a permit under the *Poisons and Dangerous Drugs Act*;
 - (ii) a registered or unregistered veterinary chemical product in accordance with the *Agricultural and Veterinary Chemicals (Control of Use) Act*; or

(c) the administration by a person of a Schedule 4 substance as defined in of the *Poisons and Dangerous Drugs Act*, to an animal where a registered veterinarian:

(i) has made enquiries about the animal and decided that the Schedule 4 substance is required to be administered; and

(ii) is satisfied that the person who is to administer the Schedule 4 substance is competent to do so; and

(iii) has supplied or prescribed the Schedule 4 substance and given full directions with respect to its administration; or

(4) Regulation 7(1)(e)

omit, insert

(e) the veterinary services to be carried out under a permit held by a person to conduct a teaching or research program under the *Animal Welfare Act*; or

(5) Regulation 7(1)(a)(ii) and (d), at the end

insert

or

5 Regulation 9 amended

(1) Regulation 9(1)

omit

(1)

(2) Regulation 9(2)

omit

6 Schedule 2 replaced

Schedule 2

repeal, insert

Schedule 2 Code of conduct

section 53(3)

1 BASIC PRINCIPLES OF PROFESSIONAL CONDUCT

- (1) The basic principles of professional conduct for a registered veterinarian are:
- (a) to recommend appropriate preventative measures and provide suitable management and treatment for diseases and conditions; and
 - (b) to be familiar with and abide by all relevant legislation affecting their professional activity and behaviour; and
 - (c) to have as the primary concern the welfare of animals; and
 - (d) to maintain professional standards to the level expected by:
 - (i) other registered veterinarians; and
 - (ii) users of veterinary services; and
 - (iii) the public.
- (2) Although actions may be influenced by consideration of a client's commercial, financial, emotional or other circumstances, a registered veterinarian must not condone animal suffering or be a party to it.

2 WELFARE OF ANIMALS MUST BE CONSIDERED

A registered veterinarian must at all times consider the welfare of animals when practising veterinary science. A registered veterinarian must handle animals with a minimum of stress and a maximum of care and encourage people to handle animals as gently and safely as circumstances allow. Pain relief should be used when appropriate.

3 NO REFUSAL OF PAIN RELIEF

- (1) A registered veterinarian must not refuse to provide relief of pain or suffering to an animal that is in his or her presence.
- (2) In this clause:
- relief**, in relation to pain or suffering, includes:
- (a) first aid treatment; or
 - (b) timely referral to another registered veterinarian; or

(c) euthanasia, as appropriate.

4 KNOWLEDGE OF CURRENT STANDARD OF PRACTICE

(1) A registered veterinarian must:

(a) maintain knowledge of the current standards of the practice of veterinary surgery or veterinary medicine in the areas of veterinary science relevant to his or her practice; and

(b) always carry out veterinary services in accordance with those current standards and in accordance with the Board's guidelines.

(2) A registered veterinarian must base professional decisions on evidence-based science or well-recognised current practice, or both.

5 STAFF

A registered veterinarian who:

(a) employs a person other than a registered veterinarian to assist in the provision of veterinary services; or

(b) is responsible for the supervision of a person other than a registered veterinarian who is so employed;

must ensure to the best of his or her ability that the person carries out the duties of his or her employment effectively and in compliance with any law relating to the provision of veterinary services.

6 UTILISATION OF SKILLS OF COLLEAGUES

A registered veterinarian should practise within the limits of his or her knowledge and expertise and must utilise the skills of colleagues, by consultation or referral, when appropriate.

7 PROFESSIONAL CONDUCT

A registered veterinarian must not mislead, deceive or behave in such a way as to have an adverse effect on the standing of any registered veterinarian or the veterinary profession.

8 INFORMED CONSENT

A registered veterinarian must, where it is practicable to do so, obtain the informed consent of the person responsible for the care of an animal before providing veterinary services to the animal. Informed consent may be verbal or in writing. If the informed consent is verbal, a record of the verbal conversation should be kept.

9 AVAILABILITY TO CARE FOR ANIMAL

A registered veterinarian must, when accepting an animal for diagnosis or treatment:

- (a) ensure that he or she is available for the ongoing care of the animal; or
- (b) if he or she will not be available, make arrangements for another registered veterinarian to take over the care of the animal; or
- (c) if the diagnosis or treatment is done in a remote community (for example, monthly clinics in remote towns or an indigenous community) – be available by telephone contact at all times.

10 REFERRALS AND SECOND OPINIONS

A registered veterinarian must not refuse a request by a person responsible for the care of an animal for a referral or second opinion.

11 PROVISION OF RECORDS

A registered veterinarian who has previously treated an animal must, when requested to do so, and with the consent of the person responsible for the care of the animal, provide copies or originals of the case history records directly to another registered veterinarian who has taken over the treatment of the animal.

12 RETURN OF RECORDS

A registered veterinarian to whom another registered veterinarian has referred an animal for treatment or a second opinion must return the records provided by the referring registered veterinarian as soon as practicable.

13 CONFIDENTIALITY

Except as required by this code of conduct or obligations under legislation, including to report a notifiable disease, a registered veterinarian must maintain the confidentiality of information obtained in the course of professional practice.

14 SKILLS, KNOWLEDGE AND EQUIPMENT OF ASSISTANTS

A registered veterinarian must ensure that all persons assisting in the provision of veterinary services to animals in his or her care have the skills, knowledge and available equipment to enable the registered veterinarian to perform his or her duties according to the current standards of the practice of veterinary science, except in the case of an emergency.

15 KNOWLEDGE OF THE RULES OF ANIMAL SPORTING ORGANISATIONS

A registered veterinarian must maintain knowledge of the rules of an animal sporting organisation when attending on that organisation or working within the industry to which it relates (unless the code or rules are contrary to the *Veterinarians Act*, these Regulations or any other legislation).

16 RECORDS

- (1) A registered veterinarian must ensure that a detailed record of any consultation, procedure or treatment is made as soon as is practicable.
- (2) The Board has the power to audit records.
- (3) The record must:
 - (a) be legible and in sufficient detail to enable another registered veterinarian to continue the treatment of the animal; and
 - (b) include the results of any diagnostic tests, analysis and treatments.
- (4) A registered veterinarian must ensure that all records of any consultation, procedure or treatment are retained for at least 3 years after the records are made.

17 FEES FOR VETERINARY SERVICES

A registered veterinarian must, where it is practicable to do so and before providing veterinary services in relation to an animal, inform the person responsible for the care of the animal of:

- (a) the nature, purpose, benefits, effects and risks of the veterinary services and options for alternative veterinary services; and
- (b) the estimated cost of those services.

18 CERTIFICATION BY REGISTERED VETERINARIANS

- (1) A registered veterinarian must not certify to any fact within his or her professional expertise or knowledge, or that a veterinary service has been provided, unless the registered veterinarian has personal knowledge of the fact or has personally provided, or supervised the provision of, the veterinary service.
- (2) Any certification by a registered veterinarian must contain the detail that is necessary to ensure that it is complete and accurate and that the meaning is clear.

19 CORRECTION OF GENETIC DEFECTS

A registered veterinarian 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 an animal.

20 SPECIAL INTEREST AREAS

Before undertaking practice in a particular area of veterinary science, a registered veterinarian must ensure that he or she has the knowledge and competence necessary to practise in that area.

21 INFORMATION TO BE GIVEN WHERE DRUGS PROVIDED OR PRESCRIBED

A registered veterinarian who provides a client with a drug, or a prescription for a drug, for an animal, must give the client proper directions with respect to the administration of the drug, and advise the client of any safety or other precautions that should be taken in connection with the drug and of any withholding period that may be applicable.

22 SUPPLY OF RESTRICTED SUBSTANCES

- (1) A registered veterinarian may only supply a restricted substance:
- (a) to a person responsible for the care of an animal that the registered veterinarian has physically examined or has under his or her direct care or has made enquiries about the animal and decided that the restricted substance is required to be administered; or
 - (b) with the authority of another registered veterinarian who has physically examined the animal or has the animal under his or her direct care, and only in respect of that animal.
- (2) A registered veterinarian must not obtain any restricted substances in order to take that substance himself or herself.
- (3) In this clause:

restricted substance means a restricted Schedule 4 substance or a restricted Schedule 8 substance as defined in the *Poisons and Dangerous Drugs Act*.

23 INDUCEMENTS

A registered veterinarian must not provide a referral or recommendation if the request for the referral or recommendation is accompanied by an inducement to the registered veterinarian.

24 PROHIBITED PROCEDURES

- (1) A registered veterinarian must not carry out a prohibited procedure on an animal unless he or she is satisfied the procedure is a reasonable and necessary therapeutic measure in the treatment of a disease from which the animal is suffering, or if the procedure is not carried out, it will be necessary to induce euthanasia in the animal.
- (2) In this clause:

prohibited procedure means a prohibited procedure as defined in section 9 of the *Animal Welfare Act*.

25 VETERINARY PREMISES

A registered veterinarian must ensure that any premises at which he or she provides veterinary services, and all equipment that he or she has for use in carrying out the veterinary services, are kept in a safe and clean condition.

26 ATTENDANCE BY VETERINARIAN AT VETERINARY PREMISES

A registered veterinarian must not permit the use of his or her name in connection with the provision of veterinary services at a particular premises unless the registered veterinarian, or a person appointed to provide veterinary services on his or her behalf, is in regular attendance at the premises during the hours advertised for the provision of the veterinary services at the premises.

27 ETHICAL COMPETITIVE BEHAVIOUR

A registered veterinarian who:

- (a) has acted as locum tenens of, or assistant to, another registered veterinarian; or
- (b) has been a prospective purchaser of the practice of another veterinarian;

must not use any information obtained by him or her in that capacity, or take advantage of acquaintances made by him or her in that capacity with clients of the other registered veterinarian, in establishing a practice in competition with the other registered veterinarian.

28 COMPLIANCE WITH OTHER LEGISLATION

A registered veterinarian must comply with other relevant legislation, as amended from time to time, including the following:

- (a) *Poisons and Dangerous Drugs Act*;
- (b) *Agricultural and Veterinary Chemicals (Control of Use) Act*;
- (c) *Animal Welfare Act*.

7 Schedule 3 amended

(1) Schedule 3

omit

secondary registration 50 revenue units

(2) Schedule 3

omit

secondary registration 75 revenue units

8 Regulations further amended

The Schedule has effect.

Schedule Veterinarians Regulations further amended

regulation 8

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
regulation 3	shall	must
regulation 4(1)	the purposes of as	
regulation 4(2)	the purposes of	
regulation 4(2)(b)(ii)	body, from	body – from
regulation 4(3)	shall	must
regulation 4(3)(a) and (c) to (h), at the end		and
regulation 4(3)(b)	authorised, when;	authorised when; and
regulation 4(4)	the purposes of	
regulation 5(1)	the purposes of shall	must
regulation 5(1)(d)(i), at the end		or
regulations 5(2) and 9(2)	shall	must
regulation 10	the purposes of	
Schedule 4, clauses 5(1)(a) and (b)(iv), at the end		or
Schedule 4, clauses 5(1)(b)(i) and (ii), (c)(i) and (ii) and (d)(i) and (6)(2)(a) and (3)(a) and (b), at the		and

end

Schedule 4, clause 8 is to: must:

Schedule 4,
clause 8(a), at the end and

Schedule 4,
clause 9(b)(ii) election, election;

Schedule 4,
clauses 10(2)(a) and
(b) and 11(1)(a) to (d),
at the end and

Schedule 4,
clause 11(2)(a), at the
end or

Schedule 4,
clause 11(5)(b)(ii) votes, votes;

Schedule 4,
clause 12(1)(a), at the
end and

Schedule 4,
clause 12(1)(b)(ii) votes, votes;
