

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1994, No. 15*

Regulations under the Veterinarians Act

I, KEITH JOHN AUSTIN ASCHE, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the Veterinarians Act.

Dated 30 June 1994.

K.J.A. ASCHE
Administrator

VETERINARIANS REGULATIONS

1. CITATION

These Regulations may be cited as the Veterinarians Regulations.

2. COMMENCEMENT

These Regulations shall come into operation on the commencement of the Veterinarians Act 1994.

3. COMMON SEAL

The common seal of the Board shall be inscribed, within a 5 centimetre circle, with the words "Veterinary Board, Northern Territory" together with an emblem representing a centaur bearing a caduceus within an outline of the Territory.

4. REQUIREMENTS FOR REGISTRATION AS VETERINARIAN

(1) For the purposes of section 11(1)(c) of the Act, the prescribed qualifications are as specified in Schedule 1.

* Notified in the Northern Territory Government Gazette on 1 July 1994.

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(2) For the purposes of section 11(1)(d) of the Act, the prescribed documents required to accompany an application are -

- (a) a statutory declaration by the applicant in accordance with subregulation (3); and
- (b) a letter in respect of the applicant -
 - (i) from an appropriate body referred to in subregulation (4); or
 - (ii) if there is no such body, or the applicant is unable to obtain such a letter from the body, from a person acceptable to the Board.

(3) The statutory declaration shall declare -

- (a) whether the applicant has at any time been refused authorisation, by registration, licence or otherwise, to provide veterinary services in a State or Territory of the Commonwealth, or in a place outside the Commonwealth and if so, by whom, when and for what reason;
- (b) whether the applicant is, or has at any time been, authorised, by registration, licence or otherwise, to provide veterinary services in a State or Territory of the Commonwealth, or in a place outside the Commonwealth and if so, by whom and when;
- (c) whether authorisation referred to in paragraph (b) has at any time been cancelled, suspended, or subjected to a condition or variation of a condition and if so, when and for what reason;
- (d) whether, under a law regulating the provision of veterinary services in a State or Territory of the Commonwealth or in a place outside the Commonwealth, the applicant has at any time been reprimanded or cautioned and if so, by whom, when and for what reason;
- (e) whether, under a law regulating the provision of veterinary services in a State or Territory of the Commonwealth or in a place outside the Commonwealth, the applicant is the subject of an investigation relating to his or her professional conduct or any other matter and if so, by whom and in respect of what conduct or other matter;

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- (f) whether a claim for damages or other compensation for or in respect of alleged negligence or other misconduct in the provision of veterinary services has been made against the applicant during the 2 years immediately preceding the date of the application and if so, the nature of the negligence or other misconduct alleged and, unless still in dispute, the outcome of the claim;
 - (g) whether the applicant has at any time been convicted in the Territory of a crime, or convicted elsewhere of an offence that would have been a crime had it been committed in the Territory and if so, when, where and the nature of the crime or offence;
 - (h) whether the applicant has at any time been convicted, in the Territory or elsewhere, of an offence against the Act or any other law relating to the provision of veterinary services and if so, when, where and the nature of the offence;
 - (j) whether the applicant has at any time been convicted, in the Territory or elsewhere, of an offence against a law prohibiting or regulating the possession, sale, use or supply of, or other dealing in, a poison, drug or similar substance and if so, when, where and the nature of the offence; and
 - (k) whether the applicant has at any time been convicted, in the Territory or elsewhere, of an offence against a law relating to the welfare of, or the prevention of cruelty to, animals and if so, when, where and the nature of the offence.
- (4) For the purposes of subregulation (2)(b)(ii), the appropriate body in relation to an applicant is -
- (a) the body responsible for registering, licensing or otherwise authorising a person to practise veterinary surgery or medicine in the place, whether a State or other Territory of the Commonwealth or a place outside the Commonwealth in which the applicant has most recently practised otherwise than on a temporary basis; or
 - (b) the university or institution that conferred the qualification or certificate of completion of examination where the applicant has not previously practised veterinary surgery or medicine or has practised on a temporary basis.

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5. METHOD OF EFFECTING REGISTRATION

(1) For the purposes of section 20 of the Act, an entry in the Register for registration of a person as a veterinarian shall include the following:

- (a) the person's full name;
- (b) the person's address for service;
- (c) a registration number allotted to the person by the Registrar;
- (d) particulars of the registration as to whether it is -
 - (i) registration as a veterinarian under section 13 of the Act;
 - (ii) limited registration under section 16 of the Act; or
 - (iii) interim registration under section 17 of the Act;
- (e) where the registration under section 13 or limited registration under section 16 of the Act, or interim registration authorised on an application for registration under section 17 of the Act - the qualification in Schedule 1 on which the registration is founded;
- (f) where the registration is under section 13(1)(a) of the Act, or interim registration authorised on an application for registration by virtue of section 17 of the Act -
 - (i) the person's professional qualifications as stated in his or her application for registration; and
 - (ii) in conjunction with the words "Supporting registration", the name of the State or other Territory of the Commonwealth in which the registration is founded;
- (g) where the registration is limited - the limitations to which it is subject;
- (h) the date of the entry.

(2) Subject to subregulation (3), the entry to be made in the Register for the registration of a person as a veterinary specialist under section 15 of the Act shall be a note setting out -

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- (a) particulars of registration as a veterinary specialist under section 15 or interim registration as a veterinary specialist under section 17 of the Act;
- (b) the branch of veterinary surgery or medicine in which the person is registered as a specialist;
- (c) a professional qualification stated in the person's application for registration that is not already noted on the Register;
- (d) in conjunction with the words "Supporting registration", the name of the State or other Territory of the Commonwealth in which the registration is founded; and
- (e) the date of the note.

(3) The entry to be made for the registration as a veterinarian or veterinary specialist of a person who already has interim registration is a note against the existing entry stating -

- (a) that the registration is no longer interim registration; and
- (b) the date of the note.

6. SERVICES NOT RANKING AS VETERINARY SERVICES

The following services are not veterinary services within the meaning of the Act:

- (a) performing the Mules operation on sheep;
- (b) dehorning cattle or buffaloes that are less than 12 months old;
- (c) castrating cattle, buffaloes, horses, camels, goats, sheep or animals of any other species to which this paragraph is extended by the Minister by notice in the Gazette, that are -
 - (i) less than 12 months old; and
 - (ii) kept for human consumption in the course of primary production or, in the case of horses, for stock work;
- (d) tailing lambs that are less than 6 months old;

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- (e) vaccinating animals kept in the course of primary production;
- (f) implanting animals with hormonal growth promotants;
- (g) branding or marking animals;
- (h) pregnancy testing cattle or buffaloes by rectal examination;
- (j) treatment of internal and external parasites except by nosogastric intubation.

7. EXCLUSION FROM SECTION 25 OF THE ACT

- (1) Section 25 of the Act does not apply to -
 - (a) the treatment of an animal by -
 - (i) a medical practitioner;
 - (ii) a person registered under the *Dental Act*; or
 - (iii) a person registered under the *Health Practitioners and Allied Professionals Registration Act* in the category of health practice of chiropractic or physiotherapy,

where a registered veterinarian has examined the animal before the treatment is undertaken and the treatment is carried out under his or her direct supervision;

- (b) the administration of an anaesthetic or drug to an animal by a person, where a registered veterinarian has -
 - (i) previously examined the animal and decided that the anaesthetic or drug is required to be administered; and
 - (ii) satisfied himself or herself that the person is competent to administer it,

and the administration takes place under the supervision of the veterinarian;

- (c) the administration by a person of a vaccine, or of a drug listed in Schedule 4 of the *Poisons and Dangerous Drugs Act*, to an animal where a registered veterinarian has -
 - (i) made enquiries about the animal and decided that the vaccine or drug is required to be administered;

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- (ii) satisfied himself or herself that it is not reasonably practicable for a registered veterinarian to administer it, and that the person is competent to do so; and
 - (iii) supplied or prescribed the drugs and given full directions with respect to its administration;
 - (d) anything done by an inspector within the meaning of the *Stock Diseases Act* in the exercise of a power conferred by that Act;
 - (e) the artificial insemination of an animal by a person, where that is not in contravention of section 12 of the *Stock (Artificial Breeding) Act*; or
 - (f) the provision of a veterinary service in an emergency, where a registered veterinarian is not reasonably available.
- (2) A reference in subregulation (1) to a registered veterinarian does not include a reference to a person having limited registration as a veterinarian.

8. ADVERTISING BY REGISTERED VETERINARIANS

A registered veterinarian may publish or broadcast, or cause or permit to be published or broadcast, an advertisement relating to his or her practise of veterinary surgery or medicine but only if the advertisement -

- (a) is not false or misleading;
- (b) is not vulgar or sensational;
- (c) is not likely to adversely affect the reputation or standing of a registered veterinarian or the veterinary profession generally;
- (d) does not claim or imply that the veterinarian is superior to any other veterinarian;
- (e) does not contain testimonials or endorsements concerning the veterinarian;
- (f) does not claim, directly or indirectly, that the veterinarian is a specialist in a branch of veterinary science unless he or she is a registered veterinary specialist in that branch of veterinary surgery; and
- (g) does not contain a reference to fees or inducements.

Penalty: \$5,000.

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9. CODE OF CONDUCT

(1) The code of conduct in Schedule 2 is prescribed in accordance with section 54(3) of the Act.

(2) A registered veterinarian shall not contravene or fail to comply with clause 4(2), (3) or (5), or with clause 8, of the code.

Penalty: \$20,000.

10. ELECTION OF REGISTERED VETERINARIAN

For the purposes of section 5(2) of the Act, schedule 4 has effect with respect to the election of registered veterinarians.

11. FEES

The fee payable under the Act for or in respect of a matter specified in column 1 in Schedule 3 is the amount shown opposite to that matter in column 2.

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SCHEDULE 1

Section 11(1)(c)
Regulation 4(1)

PRESCRIBED QUALIFICATIONS

1. A degree of Bachelor of Veterinary Science conferred by -
 - (a) the University of Melbourne;
 - (b) the University of Sydney; or
 - (c) the University of Queensland.
 2. A degree of Bachelor of Veterinary Medicine and Surgery conferred by the Murdoch University.
 3. A degree of Bachelor of Veterinary Science conferred by the Massey University of Manawatu in New Zealand.
 4. Membership of the Royal College of Veterinary Surgeons in the United Kingdom conferred by examination.
 5. A certificate issued by the National Office of Overseas Skills Recognition, certifying that the person named in it has satisfactorily completed the National Veterinary Science Examination conducted by the Australian Expert Panel in Veterinary Science.
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SCHEDULE 2

Section 54(3)
Regulation 9(1)

CODE OF CONDUCT

1. WELFARE OF ANIMALS

(1) The primary consideration in the proper performance of a registered veterinarian's functions is the welfare of the animals under his or her control.

(2) Veterinary procedures must in all cases be carried out by a registered veterinarian in conformity with current standards of veterinary science and with the Board's guidelines.

(3) A registered veterinarian who provides veterinary services direct to the public shall not (unless he or she refers the case immediately to another registered veterinarian) refuse without good reason to provide relief

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for an animal in pain or suffering; but a registered veterinarian may discharge his or her duty under this subclause by giving emergency treatment only, or by inducing euthanasia.

(4) A registered veterinarian may use his or her discretion in deciding what treatment, if any, to provide for an animal so long as the animal's welfare remains the veterinarian's primary consideration.

2. CORRECTION OF GENETIC DEFECTS

(1) It is not unethical for a registered veterinarian to perform a surgical operation on an animal for the correction of a genetic defect, or to give medical treatment to an animal for a genetic disease, if the primary purpose of the operation or treatment is to relieve or prevent pain or discomfort.

(2) It is unethical for a registered veterinarian to perform an operation or give treatment referred to in subclause (1) if the primary purpose of the operation or treatment is to enhance the value of the animal for sale, breeding or showing in competition.

(3) A registered veterinarian who is aware that an animal has a defect or disease known to be genetic must inform his or her client of the fact and of its implications for breeding.

3. PROSCRIBED PROCEDURES

(1) A registered veterinarian shall not carry out on an animal a procedure specified in subclause (2) unless he or she is satisfied -

(a) that it is a necessary therapeutic measure in the treatment of a disease from which the animal is suffering; or

(b) that, if it is not carried out, it will be necessary to induce euthanasia.

(2) The procedures are -

(a) the devoicing of an animal;

(b) the declawing of an animal; and

(c) the tail docking of a horse.

4. PROFESSIONAL PRACTICE

(1) A registered veterinarian must use his or her best endeavours to be familiar at all times with current standards of veterinary science.

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(2) A registered veterinarian shall keep case records in relation to each individual animal in his or her care and shall, unless parting with the record for the purposes of the provision of veterinary services by another person or at the written request of the owner, retain the record relating to an animal for a period of not less than 3 years beginning on the day on which he or she last examined or treated the animal.

(3) Where records are provided at the written request of an owner in pursuance of subclause (2), the registered veterinarian shall obtain and retain a receipt signed by the owner in lieu of the record.

(4) A registered veterinarian shall not sign a certificate relating to an animal unless all parts of the certificate have been completed and the veterinarian is satisfied, to the best of his or her knowledge and belief, that the matters stated in the certificate are stated fully and accurately.

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

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

5. REFERRALS

A registered veterinarian who is asked by a client to arrange for a second opinion in respect of an animal shall, as soon as practicable, refer the case to a registered veterinarian whom he or she considers suitable, and supply the other registered veterinarian with any relevant records or other material that he or she has in his or her possession or control.

6. STAFF

(1) A registered veterinarian who employs another registered veterinarian in or in connection with his or her practice shall take all reasonable steps to ensure that the other veterinarian is familiar with the legislation for the time being in force with respect to the provision of veterinary services.

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- (2) 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,

shall 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.

(3) A registered veterinarian shall take all reasonable steps to ensure that a person employed by the veterinarian in or in connection with the provision of veterinary services treat as confidential all information acquired by the person by reason of the employment.

7. CLIENTS TO BE TOLD OF LIKELY COST OF TREATMENT

A registered veterinarian shall not carry out any treatment of an animal at the request of a person purporting to own or have charge of the animal without first ensuring that the person is made aware of the likely extent and cost of the treatment.

8. 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 shall 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.

9. STATUTORY RESPONSIBILITIES

It is the duty of a registered veterinarian to be familiar with his or her responsibilities under the laws for the time being in force that relate to his or her practice.

10. PROFESSIONAL RELATIONSHIPS

(1) A registered veterinarian is under an obligation to other registered veterinarians, individually and collectively, to conduct himself or herself at all times in a manner compatible with contemporary professional and ethical standards acceptable to the Board.

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- (2) 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 registered veterinarian,

shall 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 veterinarian.

SCHEDULE 3

Regulation 11

FEES

Column 1	Column 2
	\$
Application for registration as a veterinarian under section 13 of the Act	100
Application for registration as a veterinary specialist under section 15 of the Act	100
Application for limited registration as a veterinarian under section 16 of the Act	50
Annual renewal of registration under section 20(1) of the Act	50
Provision by the Registrar of a copy of a Register entry	10

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SCHEDULE 4

Section 5(2)
Regulation 10

ELECTION OF REGISTERED VETERINARIANS

1. ELIGIBLE VOTERS

The Registrar shall maintain a list of eligible voters which shall consist of the names and postal addresses of each Registered Veterinarian in the Territory.

2. OCCASION FOR ELECTION

For the purpose of section 5(1) (d), there shall be an election of Registered Veterinarians to be held as soon as possible after the Minister declares in the Gazette that the occasion for an election of Registered Veterinarians has arisen.

3. ELECTION OF REGISTERED VETERINARIANS

As soon as practicable after the commencement of this Act and each occasion for the election of Registered Veterinarian is notified under regulation 2, the Registrar shall cause to be held, an election by postal ballot of eligible voters of 2 registered veterinarians as members.

4. NOMINATIONS FOR ELECTION

(1) The Registrar shall as soon as practicable, call for nominations for election as members by giving notice by post to each eligible voter.

(2) The nomination of a person for election as a member shall be in accordance with Form I.

(3) The Registrar shall, in calling for nominations, notify eligible voters of the address to which nominations are to be sent, and enclose with each notice a copy of the Form I.

(4) Where the Registrar receives a nomination which does not comply with sub-regulation (2), the Registrar shall -

(a) reject it; and

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- (b) inform the proposed candidate in writing of the rejection and reasons for it.

5. TIME LIMITS

The -

(1) period for receiving nominations under regulation 4 shall close at 4 o'clock in the afternoon on the 21st day after the date on which the last of the notices under regulation 4 (1) was given;

(2) ballot for election shall be conducted within 28 days after the date of closure of nominations;and

(3) result of the ballot shall be declared within 21 days after the date for the return of the ballot papers.

6. WITHDRAWAL OF NOMINATIONS

A candidate may withdraw the nomination at any time before the close of nominations under regulation 5(1) by lodging with the Registrar a written notice of withdrawal signed by the candidate.

7. PROCEEDINGS AFTER CLOSE OF NOMINATIONS

(1) The Registrar, as soon as practicable after the close of nominations under regulation 5(1) -

- (a) publish a list of candidates at the office, and circulate a list to all registered veterinarians, or if there are no candidates, notify the Minister in writing of that fact;
- (b) Where there are 2 candidates or less,declare each of them to be duly elected as a member, and notify the Minister in writing of the declaration;and
- (c) Where there are more than 2 candidates, conduct a postal ballot for the election of members in accordance with the Act.

(2) Where the Minister is notified under sub-regulation (1) that there are no candidates,or that less than 2 candidates have been declared,he may appoint eligible voters as appropriate to be members, and a person so appointed shall hold office as member as if he had been nominated for election and declared duly elected.

8. FORM OF BALLOT PAPER AND VOTER'S DECLARATION

(1) Where the Registrar proceeds to a postal ballot pursuant to regulation 7(1)(c),the Registrar shall post to each eligible voter a ballot paper in accordance with Form 2 and a returned addressed envelope.

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(2) A ballot paper

- (a) shall set out the names of the candidates in alphabetical order of their surnames, and of their given names if there are 2 or more with the same surname;
- (b) may contain such description or addition, if any, as the Registrar thinks fit;
- (c) shall be initialled on the back by the Registrar.

(3) The date specified in a ballot paper as that by which the paper must be received by the registrar shall be not more than 28 days after the date on which nominations close under regulation 5(1).

9. MARKING OF BALLOT PAPER

An eligible voter shall vote by placing on the ballot paper a tick or a cross in the box opposite the name or names of candidates of choice.

10. MAKING OF VOTER'S DECLARATION

After a ballot paper has been marked, the voter marking it shall place the ballot paper in the envelope provided together with declaration duly witnessed and signed, and shall return by the due date to the Registrar.

11. NON-RECEIPT, LOSS, &C., OF BALLOT PAPER BY VOTER

Where the registrar receives from an eligible voter a statement in writing -

- (a) setting out his full name and address; and
- (b) declaring -
 - (i) that he has not received a ballot paper, or that the ballot paper received has been lost or destroyed; and
 - (ii) that he has not already voted at the election;

the Registrar may post to the eligible voter a ballot paper as the case may be.

12. PRESENCE OF CANDIDATES' REPRESENTATIVES AT COUNT

(1) A candidate may attend or appoint a representative to be present on his behalf at the counting of votes to determine an election.

(2) An appointment under sub-regulation (1) shall be made by notice in writing -

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- (a) addressed to the Registrar;
- (b) signed by the candidate and bearing his name;
- (c) stating the representative's name and address.

(3) The Registrar shall, at such time, in the presence of the candidate or such representative of the candidate -

- (a) produce all unopened envelopes containing postal ballots received by him; and
- (b) compare the signature of the voter on the postal vote with the signature of the same voter on the list of voters, and allow the representative to inspect both signatures.

13. RULES GOVERNING COUNT

(1) In determining the result of an election, the Registrar shall, subject to this regulation, count one vote to a candidate for each tick or cross placed against the candidate's name on a ballot paper.

(2) The Registrar shall disregard for the purposes of the count -

- (a) ballot papers received by him after the time specified for their return; and
- (b) ballot papers that are informal under sub-regulation (3).

(3) A ballot paper is informal if it -

- (a) had no tick or cross marked on it;
- (b) has more than 2 ticks or crosses marked on it; or
- (c) bears a word or mark by which, in the opinion of the Registrar, the eligible voter can be identified.
- (d) does not have a verifiable signature.

14. DECLARATION OF RESULT

(1) After completing the counting of votes, and within the period specified in regulation 5(3), the Registrar shall publish at the Registrar's office and in a newspaper circulating in the Northern Territory, a notice -

- (a) setting out the names of the candidates, and the number of votes counted to each of them; and

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(b) subject to sub-regulation (2), declaring the 2 candidates with the highest number of votes to be duly elected as members.

(2) Where compliance with sub-regulation (1)(b) is impossible by reason of an equality of votes between 2 candidates, the Registrar shall -

(a) by drawing lots, exclude from election such number of those candidates as is appropriate; and

(b) record the fact that the selection was by lot.

(3) The Registrar shall send a copy of his notice under sub-regulation (1) to the Minister.

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FORM I

Section 5(2)
Regulation 10

NORTHERN TERRITORY OF AUSTRALIA

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Nomination for election as member of the Veterinary
Board of the Northern Territory

To the Registrar,

I,
(surname) (give names in full)

of , hereby
(address)

nominate -

SURNAME:

GIVEN NAMES:

ADDRESS:

for election as member of the Veterinary Board.

Signature of nominator Date.....

I consent to this nomination,

Signature of nominee.....Date.....

* Form I duly completed to be returned by

**Candidates shall be nominated by another eligible voter.

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FORM 2

Section 5(2)
Regulation 10

NORTHERN TERRITORY OF AUSTRALIA

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BALLOT PAPER

Election of 2 members/ member* of the
Veterinary Board

DIRECTIONS TO VOTER

Mark your vote on this ballot paper by placing a tick or
a cross in the square opposite the name/s of the 2
candidate/ candidates* of your choice.

CANDIDATE/S*

-
-
-
-

DECLARATION

I,
(surname) (given names in full)

.....
(place of residence)

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declare -

that the enclosed ballot paper was issued to me,
and has been marked by me, and that I have not previously
voted at this election.

.....
signature of voter

.....
signature of witness

.....
Name of witness

.....
Address of witness

* Registrar to delete whichever is inapplicable.

** After marking your vote which is to be duly signed and
witnessed, place it in the envelope provided and post it
to the Registrar.

Unless your ballot paper is received by the registrar on
or before 4 o'clock in the afternoon of....., your
votes will not be counted.

