Veterinary Practice Regulation 2013

[2013-490]

New South Wales

Status information

Currency of version

Current version for 1 July 2017 to date (accessed 29 June 2019 at 01:11)
Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced. See Historical Notes

Does not include amendments by:

Government Sector Finance Legislation (Repeal and Amendment) Act 2018 No 70 (not commenced)

Staged repeal status

This legislation is currently due to be automatically repealed under the *Subordinate Legislation Act 1989* on 1 September 2019

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.

File last modified 22 November 2018.

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[2013-490]

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Veterinary Practice Regulation 2013

New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Veterinary Practice Regulation 2013*.

2 Commencement

This Regulation commences on 1 September 2013 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Veterinary Practice Regulation 2006* which is repealed on 1 September 2013 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

code of conduct means the veterinary practitioners code of professional conduct established by clause 13.

horse includes a donkey and a mule.

the Act means the *Veterinary Practice Act 2003*.

(2) A reference in this Regulation to the Department of Primary Industries is a reference to the Department of Primary Industries within the Department of Trade and Investment, Regional Infrastructure and Services.

(3) Notes included in this Regulation do not form part of this Regulation.

Part 2 Practice of veterinary science

4 Restricted acts of veterinary science

(1) The following acts of veterinary science are declared to be restricted acts of veterinary science for the purposes of the Act:

(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,

(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,

(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,

(d) **specific procedures**
the following treatments, procedures and tests:

(i) the performing of laparoscopic surgery on any animal,

(ii) the performing of the Mules operation on sheep that are 12 months of age or older,

(iii) the tailing of sheep that are 6 months of age or older,

(iv) the de-horning of cattle that are 12 months of age or older,

(v) the de-horning of goats that are 1 month of age or older,

(vi) the removal of immature antlers in velvet from deer,

(vii) the carrying out in respect of an animal of any artificial breeding procedure involving surgery,

(viii) the castrating of cattle, sheep, goats, camels, deer, American bison, water buffalo or blackbuck that are 6 months of age or older,

(ix) 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, pigs, camels, deer, American bison, water buffalo or blackbuck,

(xi) the insertion of microchips into horses,

(e) **insertion of any thing 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, urethra, cranial cavity, spinal canal, tooth alveolar cavity, eye, orbital cavity, tympanic cavity, joint spaces or any other synovial cavity of any animal, except for:

(i) an insertion into an animal's mouth or oesophagus, or

(ii) an insertion into the rectum of an animal other than a horse, or

(iii) an insertion into the left flank of cattle or sheep to puncture the rumen for the purpose of relieving acute bloat, but only if the animal is examined by a veterinary practitioner as soon as practicable after the puncture has been made,

(f) **insertion of any thing 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,

(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,

(h) **dental procedures on horses**
the performing on a horse of any dental procedure that involves:

(i) making an incision through the skin or oral mucosa, or

(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.

(2) Despite subclause (1), the following activities are excluded from the declaration of restricted acts of veterinary science:

(a) cleaning, rasping, grinding or cutting the teeth of a horse,

(b) removing a loose tooth or deciduous tooth cap from a horse,

(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.

(3) In this clause:

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*.

de-horn has the same meaning as in Schedule 1 to the Act.

microchip means a permanent identification device that:

(a) is able to be permanently implanted in an animal, and

(b) is designed to transmit stored information when activated by a reader, and

(c) complies with the requirements of Australian Standard AS 5019—2001, *Electronic animal identification—Radiofrequency methods*, and

(d) contains a unique identification number:

(i) that complies with the requirements of Australian Standard AS 5018—2001, *Electronic animal identification—National coding scheme*, and

(ii) the first 3 digits of which are the manufacturer's code, allocated to the manufacturer of the device by the International Committee for Animal Recording.

5 Certain accredited or authorised persons may do restricted acts of veterinary science in certain circumstances

The following classes of persons and circumstances are prescribed for the purposes of section 9 (2) (e) of the Act:

(a) persons, or persons of the class of persons, who are accredited by the Board to carry out a specified restricted act of veterinary science and who are acting as permitted by, and in accordance with, that accreditation,

(b) 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.

6 Bodies exempt from offence of representing certain firms to be veterinary practices

For the purposes of section 14 (5) (d) of the Act, a body is prescribed if:

(a) it is registered under the *Co-operatives National Law (NSW)*, and

(b) it provides a service performing acts of veterinary science only on animals owned by its members (whether or not it charges for that service), and

(c) it employs or engages only veterinary practitioners to do or perform any act, matter or thing in connection with any such service forming part of the practice of veterinary science.

Part 3 Registration of veterinary practitioners

7 Declaration relating to the conduct to be observed by veterinary practitioners

The declaration relating to the conduct to be observed by veterinary practitioners that is required to be made by section 18 (e) of the Act is the declaration in Schedule 1.

8 Examination as qualification for full registration

The examination that may be required by the Board under section 21 (1) (b) (ii) of the Act is the examination in veterinary science known as the National Veterinary Examination, set by the Australasian Veterinary Boards Council Inc.

9 Register of veterinary practitioners

For the purposes of section 28 (3) (f) of the Act, the following are prescribed as the other particulars required to be included for each entry of the Register:

(a) the date of registration of the veterinary practitioner,

(b) the registration number (or number of the certificate of registration) of the veterinary practitioner,

(c) any condition placed on the registration of the veterinary practitioner.

10 Contents of annual return of veterinary practitioner

(1) For the purposes of section 33 (1) (e1) of the Act, the following details of continuing professional development undertaken by the veterinary practitioner are prescribed:

(a) details of any university continuing professional development course relating to the practice of veterinary science undertaken,

(b) details of any postgraduate course relating to the practice of veterinary science undertaken,

(c) details of any conference or seminar relating to the practice of veterinary science attended,

(d) details of any papers presented at any conference or seminar relating to the practice of veterinary science,

(e) details of any other presentation relating to the practice of veterinary science attended,

(f) details of any correspondence course relating to the practice of veterinary science completed,

(g) details of any written assessment test relating to the practice of veterinary science completed,

(h) details of any paper published in any journals relating to the practice of veterinary science,

(i) details of any journals relating to the practice of veterinary science read,

(j) details of any observation of the carrying out of veterinary surgery,

(k) details of any act of veterinary science done with other veterinary practitioners for the purpose of expanding the veterinary practitioner's knowledge of, or competence in, veterinary science,

(l) details of any paper relating to the practice of veterinary science published on the website of a NSW Government Department.

(2) In the case of a veterinary practitioner who holds specialist registration, details of the extent to which the veterinary practitioner practised in the branch of veterinary science in which he or she holds that registration are prescribed for the purposes of section 33 (1) (f) of the Act.

Part 4 Complaints and disciplinary proceedings

11 Meaning of "professional misconduct"

For the purposes of paragraph (b) of the definition of ***professional misconduct*** in section 35 of the Act, the breach of any of the following clauses of the code of conduct is declared to be professional misconduct for the purposes of the Act:

(a) clause 2 (Welfare of animals must be considered),

(b) clause 3 (No refusal of pain relief),

(c) clause 4 (Knowledge of current standards of practice),

(d) clause 5 (Utilisation of skills of colleagues),

(e) clause 6 (Professional conduct),

(f) clause 7 (Informed consent),

(g) clause 8 (Availability to care for animal),

(h) clause 9 (Referrals and second opinions),

(i) clause 10 (Provision of records),

(j) clause 11 (Return of records),

(k) clause 12 (Confidentiality),

(l) clause 13 (Skills, knowledge and equipment of assistants),

(m) clause 14 (Compliance with codes or rules of animal sporting organisations),

(n) clause 17 (Certification by veterinary practitioners),

(o) clause 18 (Correction of genetic defects),

(p) clause 20 (Supply of restricted substances).

12 Meaning of "unsatisfactory professional conduct"

For the purposes of paragraph (e) of the definition of ***unsatisfactory professional conduct*** in section 35 of the Act, the following clauses of the code of conduct are prescribed:

(a) clause 15 (Records),

(b) clause 16 (Fees for veterinary services),

(c) clause 19 (Special interest areas),

(d) clause 21 (Inducements).

13 Veterinary practitioners code of professional conduct

For the purposes of section 37 of the Act, the code of conduct set out in Schedule 2 is established as a veterinary practitioners code of professional conduct.

Part 5 Veterinary hospitals

14 Licensing procedures

Part 2 of the *Licensing and Registration (Uniform Procedures) Act 2002* is modified, in its application to a veterinary hospital licence, so as to require the "other registered particulars" referred to in section 24 (1) of that Act to be construed as including the following:

(a) the business name (within the meaning of the *Business Names Registration Act 2011* of the Commonwealth) under which a veterinary hospital is to be conducted pursuant to the veterinary hospital licence,

(b) the name of any veterinary practitioner who has a controlling interest in a corporation or firm that is the owner or part-owner of the veterinary hospital the subject of the veterinary hospital licence,

(c) the nature of the veterinary services provided by the veterinary hospital the subject of the veterinary hospital licence.

Part 6 Annual general meeting of veterinary profession

15 Definition

In this Part:

annual general meeting means the annual general meeting of the veterinary profession referred to in section 92 of the Act.

16 Calling of annual general meeting

An annual general meeting is to be called so as to be held as soon as practicable after the Board's audited financial reports in respect of the last-ended financial year have been returned to the Board under section 41D of the *Public Finance and Audit Act 1983*.

17 Giving of notice of annual general meeting

(1) The Board must notify the veterinary profession (including veterinary practitioners) of:

(a) the date of the annual general meeting, and

(b) the venue of the meeting, and

(c) the agenda of the meeting, and

(d) the place or website at which further information in relation to the meeting may be obtained.

(2) Notice of an annual general meeting must be:

(a) published on the Board's website, and

(b) given in any other way the Board considers appropriate.

(3) At least 4 weeks' notice must be given of an annual general meeting.

18 Information to be provided in relation to annual general meeting

All attendees at an annual general meeting must be provided with the following information in relation to the meeting:

(a) the agenda for the meeting,

(b) a copy of the audited financial statements of the Board,

(c) a copy of a report of the President of the Board as to the activities of the Board for the past financial year,

(d) a copy of a report of the President of the Board as to:

(i) the fees payable by veterinary practitioners under the Act, and

(ii) the consultation undertaken under section 86 of the Act before those fees were approved, and

(iii) any remuneration paid or payable to members of the Board, and

(iv) any increases in fees and remuneration that have been determined by the Board and are to be presented to the Minister for approval.

19 President to preside

The President of the Board or, in the absence of the President, a person elected by the members of the Board who are present at an annual general meeting is to preside at the meeting.

20 Comments to be taken

The person presiding at an annual general meeting is to take comments from the veterinary practitioners at the meeting as to the matters on the agenda, in particular, comments with respect to:

(a) any proposed increase in fees payable by veterinary practitioners under the Act, and

(b) any proposed increase in the remuneration payable to members of the Board.

21 Annual general meeting may coincide with Board meeting

(1) The annual general meeting may take place in conjunction with any other scheduled meeting of the Board.

(2) In such a case, the Board must use its best endeavours to ensure that the venue for the meeting is capable of accommodating all persons who might reasonably be expected to attend the meeting.

Part 7 Miscellaneous

22 Penalty notices

For the purposes of section 101 of the Act:

(a) each offence specified in Column 1 of Schedule 3 is prescribed as a penalty notice offence, and

(b) the prescribed penalty payable under a penalty notice in respect of a penalty notice offence is:

(i) the amount specified in Column 2 of Schedule 3, or

(ii) if the person alleged to have committed the offence is a corporation, and if a greater amount is specified in Column 3 of Schedule 3, the amount specified in Column 3 of Schedule 3.

23 Exemption of persons from the operation of section 9 of the Act

(1) For the purposes of section 102 (1) (f) of the Act, a person employed by the Crown:

(a) who is under the direct supervision of an officer of the Department of Primary Industries or Local Land Services, and

(b) who is doing a restricted act of veterinary science in accordance with guidelines and standard operating procedures issued by the Director-General of the Department of Primary Industries,

is, during an emergency (within the meaning of the *State Emergency and Rescue Management Act 1989*) relating to a disease of animals, or requiring the mass treatment or destruction of animals, exempt from section 9 of the Act.

(2) For the purposes of section 102 (1) (f) of the Act, a person employed as a ranger by the Crown in the Local Land Services Division of the Government Service who is acting as permitted by, and in accordance with, guidelines or any other written instrument issued by Local Land Services is exempt from section 9 of the Act.

(3) For the purposes of subclause (2), any relevant guidelines or other written instruments issued by the State Management Council of Livestock Health and Pest Authorities and in force immediately before that Council's abolition by the *Local Land Services Act 2013* are taken to be guidelines or instruments issued by Local Land Services.

24 Unrestricted acts of veterinary science

For the purposes of clause 1 (g) of Schedule 1 to the Act, all animals, other than horses and the animals referred to in clause 1 (g), are prescribed.

25 Fees

(1) The Board is authorised to determine the fees payable for the undertaking of examinations in respect of applications for registration under the Act.

(2) The Board is authorised to determine and impose fees and charges for such other services provided by the Board as will assist the Board to operate on a cost-recovery basis, including fees or charges for the carrying out of any inspection for the purposes of the Act (whether or not the inspection is requested or agreed to).

(3) The Board may not impose a fee under this clause unless the Minister has agreed to the imposition of the fee.

(4) In this clause, ***inspection*** includes any hospital inspection or any inspection of the Register.

26 Saving

Any act, matter or thing that, immediately before the repeal of the *Veterinary Practice Regulation 2006*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Declaration relating to the conduct to be observed by veterinary practitioners

(Clause 7)

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) unless approved by the Board, 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.

Schedule 2 Veterinary practitioners code of professional conduct

(Clause 13)

1 Basic principles of professional conduct

The basic principles of professional conduct for a veterinary practitioner are:

(a) a primary concern for the welfare of animals, and

(b) the maintenance of professional standards to the standard expected by:

(i) other veterinary practitioners, and

(ii) users of veterinary services, and

(iii) the public.

2 Welfare of animals must be considered

A veterinary practitioner must at all times consider the welfare of animals when practising veterinary science.

3 No refusal of pain relief

(1) A veterinary practitioner 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, means:

(a) first aid treatment, or

(b) timely referral to another veterinary practitioner, or

(c) euthanasia,

as appropriate.

4 Knowledge of current standards of practice

(1) A veterinary practitioner:

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

(b) must always carry out professional procedures in accordance with those current standards.

(2) A veterinary practitioner must base professional decisions on evidence-based science or well-recognised current knowledge and practice, or both.

5 Utilisation of skills of colleagues

A veterinary practitioner must utilise the skills of colleagues, by consultation or referral, where appropriate.

6 Professional conduct

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

7 Informed consent

A veterinary practitioner 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.

8 Availability to care for animal

A veterinary practitioner 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 so available, make arrangements for another veterinary practitioner to take over the care of the animal.

9 Referrals and second opinions

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

10 Provision of records

A veterinary practitioner 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 all relevant case history records directly to another veterinary practitioner who has taken over the treatment of the animal.

11 Return of records

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

12 Confidentiality

Except as otherwise required by this code of conduct, a veterinary practitioner must maintain the confidentiality of information obtained in the course of professional practice.

13 Skills, knowledge and equipment of assistants

A veterinary practitioner 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 them to perform their duties according to current standards of the practice of veterinary science, except in the case of an emergency.

14 Compliance with codes or rules of animal sporting organisations

A veterinary practitioner must maintain knowledge of and obey any code or 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 Act, this Regulation or any other legislation).

15 Records

(1) A veterinary practitioner must ensure that a detailed record of any consultation, procedure or treatment is made as soon as is practicable.

(2) The record:

(a) must be legible and in sufficient detail to enable another veterinary practitioner to continue the treatment of the animal, and

(b) must include the results of any diagnostic tests, analysis and treatments.

(3) If a record is altered, the alteration must be clearly identified in the record as such.

(4) A veterinary practitioner must ensure that all records of any consultation, procedure or treatment are retained for at least 3 years after they are made.

16 Fees for veterinary services

A veterinary practitioner 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 likely extent and outcome of the veterinary services, and

(b) the estimated cost of those services.

17 Certification by veterinary practitioners

(1) A veterinary practitioner must not certify to any fact within his or her professional expertise or knowledge, or that a veterinary service has been provided, unless the veterinary practitioner has personal knowledge of the fact or has personally provided, or supervised the provision of, the veterinary service concerned.

(2) Any certification by a veterinary practitioner must contain such detail as is necessary to ensure that it is complete and accurate and that the meaning is clear.

18 Correction of genetic defects

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.

19 Special interest areas

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

20 Supply of restricted substances

(1) A veterinary practitioner may supply restricted substances only:

(a) to a person responsible for the care of an animal that the veterinary practitioner has physically examined or has under his or her direct care, and only in respect of that animal, or

(b) to a person responsible for the care of an animal, with the written authority of another veterinary practitioner who has physically examined the animal concerned or has it under his or her direct care, and only in respect of that animal.

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

(3) In this clause:

restricted substance means a substance that is specified in Schedule Four or Schedule Eight to the Poisons List proclaimed under the *Poisons and Therapeutic Goods Act 1966*.

21 Inducements

A veterinary practitioner must not provide a referral or recommendation the request for which is accompanied by an inducement to the veterinary practitioner.

Schedule 3 Penalty notice offences

(Clause 22)

Column 1	Column 2	Column 3
Offences under the Act		
Section	**Penalty**	**Penalty for corporation**
9 (1)	$500	
11 (2)	$500	$1,100
12	$500	
13 (1)	$500	
14 (1)	$500	
14 (2)	$500	$1,100
16	$500	
31	$200	
44 (4)	$500	$1,100
44 (5)	$500	$1,100
65	$1,100	
66	$500	$1,100

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

Veterinary Practice Regulation 2013 (490). LW 30.8.2013. Date of commencement, 1.9.2013, cl 2. This Regulation has been amended as follows:

2013 (729) *Veterinary Practice Amendment (Local Land Services) Regulation 2013*. LW 20.12.2013. Date of commencement, 1.1.2014, cl 2.

2014 No 88 *Statute Law (Miscellaneous Provisions) Act (No 2) 2014*. Assented to 28.11.2014. Date of commencement of Sch 2, 8.1.2015, sec 2 (1).

2015 No 24 **Biosecurity Act 2015**. Assented to 22.9.2015. Date of commencement of Sch 8.40, 1.7.2017, sec 2 and 2017 (227) LW 2.6.2017.

Table of amendments

Cl 4 Am 2015 No 24, Sch 8.40.

Cl 6 Am 2014 No 88, Sch 2.72 [1] [2].

Cl 23 Am 2013 (729), Sch 1 [1] [2].