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Review of the Code of Conduct

As part of its regular review of the Veterinary Code of Professional Conduct, the Council invites submissions from veterinarians and other interested parties on the Code. This Code is the document that benchmarks the principles of expertise, performance, behaviour, integrity and accountability expected of competent and reasonable veterinarians in New Zealand.

You are invited to make comments and suggest amendments or additions to this Code by written submission, to be forwarded to the Secretary, by 30th June 2005. The submissions will be discussed by the Professional Standards Committee and the Council and the profession will be invited to comment further on any proposed changes.

Judicial Hearing

At a hearing on 3 March of the Judicial Committee of the Veterinary Council, a veterinarian pleaded guilty to a charge of professional misconduct. The charge had arisen from the supply of prescription animal remedies without sufficient consultation. Name suppression was allowed by the Judicial Committee and the matter is currently awaiting the required period of appeal. The case will be reported on more fully in the next Newsbrief.

Veterinarians Bill

The closing date for submissions on the Veterinarians Bill has now passed. The Council now expects to appear before the committee to give an oral submission. The Council's written submission can be viewed on www.vetcouncil.org.nz/news. All submissions will be considered by the Committee and then made publicly available at

<http://www.clerk.parliament.govt.nz/Programme/Committees/>.

Annual Retention Certificate Renewal

As at 31 March there were still some veterinarians whose practising certificate had not been renewed for the 2005-06 practising year. The Council reminds all veterinarians that they must hold an annual retention certificate to be able to practise as a veterinarian in New Zealand

When the Veterinarians Act becomes law and the Council can set its own fees it is likely that the Council will provide a financial incentive for those who pay by an earlier date.

Blank ARC forms are available on the Council's website (www.vetcouncil.org.nz).

Surgical Activities undertaken by non-veterinarians

During 2004 the Veterinary Council undertook a consultation exercise on the subject of significant surgical procedures being undertaken by non-veterinarians. Concern had been expressed to the Council by veterinarians and others about the welfare of animals subjected to significant surgical procedures undertaken by lay people. In some cases the lay people are trained and well supervised. However there is no regulatory control to either allow them to undertake the procedures or to require monitoring and auditing. There is plenty of anecdotal evidence of poor outcomes. The Council wanted to establish what advice it should provide to veterinarians, and whether any advice needed to be given to the Minister.

The consultation exercise involved liaison meetings in May 2004 and March 2005 (attended by representatives of NZVA, NAWAC, MAF and the VCNZ) and the receiving of submissions from veterinarians and other interested parties following a discussion article in the June 2004 Newsbrief. All special interest branches of the NZVA were consulted as was the New Zealand Veterinary Nurses Association.



Under the Animal Welfare Act, the only type of significant surgical procedure that can be performed by a non-veterinarian is a controlled surgical procedure, which allows for it to be undertaken by the owner of the animal (with approval of a veterinarian) or his/her employees of animal owners (also with veterinary approval). The only listed controlled surgical procedure currently permitted in New Zealand is develvetting of deer. (Surgical procedures are of course being undertaken by laypersons in research institutions under part 6 of the Act which deals with the use of animals in research, testing and teaching).

All other surgical procedures being undertaken by non-veterinarians in New Zealand are outside the law. Procedures discussed during the consultation exercise included castration and spaying, tooth removal, laparoscopic AI, surgical embryo removal, equine rectal examinations, ultrasound pregnancy diagnosis, electro-ejaculation, extra corporeal shock wave therapy, Caslick's operations, trans cervical embryo transfer, dubbing of poultry, and liver biopsies.

When the liaison group met again in March this year it learned that the National Advisory Committee on Animal Welfare (NAWAC) has recommended to the Minister that embryo collection in sheep via an exteriorised uterus be classified a significant surgical procedure (i.e. can only be performed by a veterinarian or a veterinary student acting under the direct supervision of a veterinarian). For laparoscopic AI of sheep the Committee has recommended that this activity be considered a controlled surgical procedure (i.e. can be performed by an animal owner or an employee of the owner under the indirect supervision of a veterinarian).

NAWAC is also developing a code of practice to deal with painful husbandry procedures—such as dehorning, disbudding, mulesing — being undertaken by laypersons (including farmers), and some issues raised during consultation are already covered by current codes e.g. the Code of Welfare for Pigs.

The liaison group also noted that there are other activities being undertaken by laypersons that could not strictly be classified as 'surgical' but which are more in the nature of 'intrusive manipulations' and which can still affect the welfare and health of the animal. These include semen removal by electro-ejaculation, ultrasound pregnancy diagnosis and extra corporeal shock wave therapy (where it is used to mask pain and injury).

The liaison group made a number of recommendations to the Council, which the Council agreed with. The first is that the Veterinary Council should provide advice to the veterinary profession about activities that should not be undertaken by lay personnel in their employment.

The second accepted recommendation is that the Council will write to NAWAC advising its concern that laypersons are currently performing surgical procedures and intrusive manipulations on animals without control, monitoring and auditing. The Council will ask for the above activities to be listed as significant surgical procedures under the Animal Welfare Act.

The Veterinary Council advises that veterinarians should not permit lay people, employed or supervised by them, to undertake the following activities:

- ♦ Desexing of companion animals and horses
- ♦ Tooth extraction
- ♦ Rectal examinations
- ♦ Liver biopsies
- ♦ Spaying of heifers

The Council will also recommend to NAWAC that Section 18 be amended to allow for lay people to undertake controlled surgical procedures and/or intrusive manipulations as long as they are carried out under the supervision of veterinarians and that those procedures are specifically provided for, and controlled by, regulation (such as Standard Operating Procedures or Codes). The current wording of section 18 is quite restrictive, and the Council's recommendation would allow for greater flexibility whilst minimising risks to animal welfare.



Any changes that do occur will not occur soon, as a significant change to the Animal Welfare Act would require approval in principle by the Government, followed by further consultation.

Complaints Report

2004 was not the busiest year for the Complaints Assessment Committee when measured by numbers of complaints; however, some of the complaints investigated in 2004 provided greater challenges to the CAC than experienced in previous years.

A number of complaints in 2004 raised serious concerns about the veterinarians complained about. Because of this, 6 of the CAC investigations extended to interviews between the CAC and various people involved with the complaints. 4 of these complaints against 3 veterinarians led to charges of professional misconduct being made against the veterinarians. One of these was handled by diversion.

A decision by the Complaints Assessment Committee to lay charges against a veterinarian was challenged earlier this year in the District Court by that veterinarian. Judge Blackie of the Auckland District Court, provided his decision on 3 March. He struck out the proceedings, advising that the District Court was not the venue for such challenge. The veterinarian has appealed this decision, and the Court is also considering an application for costs from the Complaints Assessment Committee.

Interestingly in 2004 there were a relatively high number of complaints in which a conflict of interest was identified by CAC members, and so new committee members needed to be recruited or a completely new committee made up.

2005 has started slowly with only six new complaints received by the end of March and only three of the 2004 complaints being carried forward into 2005.

Involving complainant and veterinarian in mediation as a part of the process of dealing with complaints has been difficult to accomplish, largely because of the reluctance of one or more of the parties to take part. The Veterinarians Act requires the CAC to consider whether mediation and/or reconciliation is appropriate in managing complaints. The potential benefits are great. The process of mediation may absorb / deflect some of the complainant's frustration at the CAC/Council, give complainants a say in the complaint outcomes, and provide veterinarians with the opportunity to resolve complaint issues while retaining the complainant as a client. The Council will direct resource into exploring how this option can be used more successfully by the CAC.

Council and Committee Appointments

The Chairperson and Deputy Chairperson of the Council were elected at the Council meeting in March, and Committee appointments were made:

Chairperson of the Veterinary Council

Ron Gibson

Deputy Chairperson

Norm Williamson

Complaints Assessment Committee

Nick Twyford (Chairperson), Mary Mountier, Grahame Joyce

Registration Committee

Norm Williamson (Chairperson), Sandra Forsyth, Tony Charleston, Paul Wiseman, Chris Mawson, Dave West

Finance and Administration Committee

Gordon McIvor (Chairperson) Ron Gibson, John O'Flaherty, Julie Haggie

Professional Standards Committee

Julie Wagner (Chairperson), Ron Gibson, Tony Zohrab, Gordon McIvor, Murray Gibb

Competency Review Committee (ad hoc)

Jim Edwards (Chairperson), Peg Loague

Australasian Veterinary Boards Council

The Council appointed the Chairperson of VCNZ or his/her nominee to be its representative on the AVBC. Tony Charleston was appointed as the Council representative on the Veterinary Schools Accreditation Advisory Committee. Norm Williamson was appointed to the Advisory Committee for the Registration of Veterinary Specialists and Dave West was appointed as the Council's Representative on the Australasian Board of Examiners (for the National Veterinary Examination).

Congratulations

Congratulations to Professor David Mellor who has been elected an honorary associate to the Royal College for Veterinary Surgeons. Professor Mellor is Chairperson of the National Animal Welfare Advisory Committee, and is an internationally recognised scientist and ethicist who, over the last 40 years, has made an outstanding contribution to the veterinary profession in New Zealand and other countries around the world.

The members of Council are:

Ron Gibson (elected)

Norm Williamson (for Dean of the Veterinary School, Massey University)

Jim Edwards (Ministerial veterinary appointee)

Julie Wagner (elected)

Grahame Joyce (elected)

Peg Loague (Ministerial lay appointee)

Gordon McIvor (Ministerial lay appointee)

The Council meets four times a year. Its committees usually meet a week or two prior to the Council meeting, by teleconference when appropriate. The Complaints Assessment Committee meets more often (usually by teleconference), and its members also undertake complaints investigation work.

On occasions the Council also forms a Judicial Committee to consider charges of professional misconduct against a veterinarian. This Committee includes one Council member and also is likely to include a lay person and veterinarians with expertise in the relevant field of practice. It is possible that with changes in legislation the Judicial Committee will not include a member of the Council, but will include a person with relevant legal qualifications.

The Council is serviced by a Secretariat of three full time staff: The Secretary of the Council, the Executive Officer Registration and Complaints, and the Administration Officer.

USE YOUR CODE · KNOW YOUR CODE · READ
YOUR CODE REFER TO YOUR CODE

The Code of Professional Conduct provides peer defined principles and guidelines for veterinarian performance. It is the Council's official interpretation of its expectations of the actions of competent and reasonable veterinarians in various given circumstances. Those who comply with the Code can be reasonably confident both of not breaching the Veterinarians Act, and of remaining in good standing with the public and with their peers.