



## Review of the Code of Professional Conduct for Veterinarians

*Workshops to present and seek feedback on the draft veterinary medicines section of the revised code have now been held. The Code Working Party is now turning its attention to the other sections of the Code and further consultation will occur later in the year.*

The Council thanks all veterinarians who attended the joint VCNZ, NZFSA and NZVA workshops on the proposed changes to the veterinary medicines section of the Code. Attendance was high and much useful feedback gained. This is being taken into account in finalising the draft veterinary medicines requirements and developing Frequently Asked Questions. You can see the latest drafts on the Council's website at <http://www.vetcouncil.org.nz/news.php>

The Code Working Party convened by Nick Twyford is now working on the other sections of the revised Code. A very useful meeting was held in April with invited veterinarians who presented their perspectives on the issues of selective service and after hours care provision. The working party met again on 18 June and expects to be in a position to consult on further sections of the revised Code by early September.



## NZFSA review of existing Codes of Practice



The New Zealand Food Safety Authority is reviewing the future of Codes of Practice previously approved under Section 28 of the Agricultural Compounds and Veterinary Medicines (ACVM) Act 1997. Codes of practice are not provided for in the 2007 amendment to the ACVM Act and unless existing codes are approved as operating plans they will lapse in October 2010. NZFSA are consulting with the sponsors of the Codes and VCNZ and NZVA where relevant. It is likely that a number of the current codes with relevance to veterinarians will become NZVA, VCNZ or industry guidelines.

*continued page 2*

## Inside this Issue

Review of the Code of Professional Conduct for Veterinarians .....	1
NZFSA review of existing Codes of Practice .....	1
NZFSA review of existing Codes of Practice (cont).....	2
Your views sought – proposal to replace practising cards with certificates.....	2
<b>In Brief....</b>	
What's Council been up to.....	3
Veterinarians Health .....	3
Outcome of the Judicial Review proceedings brought by Dr Richard Knight against the Veterinary Council.....	4
Changes to recognised qualifications for registration as a veterinarian .....	4
Important Advice from NZFSA : Hormonal Growth Promotant (HGP) database change and impact on veterinary practices .....	5
Use of Medicines by Veterinarians .....	5
VCNZ office staff roles and responsibilities .....	6

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## NZFSA review of existing Codes of Practice cont.

The Codes of Practice previously approved under Section 28 of the ACVM Act 1997 with relevance to veterinarians include those relating to:

- ~ The discretionary use of human and veterinary medicines by veterinarians
- ~ The welfare of dogs using pharmacological restraint during police operations
- ~ The use of veterinary and human medicines in research, testing and teaching organisations (RTTOs)
- ~ Registered veterinarians writing prescriptions for prescription medicines and prescription animal remedies
- ~ The use of prescription animal remedies by grooms travelling with horses by air or sea
- ~ The use of prescription animal remedies for delevetting deer
- ~ Use of long acting dexamethasone esters for routine induction of parturition in cattle

~ The use of leptospirosis vaccine

The 2007 ACVM Amendment Act provides NZFSA with the power to approve operating plans rather than Codes of Practice. The amendment allowed for a transition period in which approved codes of practice would be deemed operating plans. This transition will elapse in October 2010.

NZFSA has advised that operating plans will be statements of how a particular party intends to meet its statutory obligations. Unlike many of the existing codes of practice they will not be used as sector guidance. Those currently approved codes of practice that are specific to a single entity, do not involve case specific variables which require a veterinarian's expertise and are sufficiently detailed for audit purposes are considered by NZFSA to fit the operating plan model. For example the use of leptospirosis vaccines byASUREQuality and the use of veterinary and human medicines in RTTOs.

As part of the review, NZFSA is consulting with the sponsors and affected parties for each Code of Practice. For codes that do not meet the requirements

for an operating plan NZFSA will work with the affected parties to ensure that the obligations in the current code are referred to the correct legislation and that ACVM registration conditions are adjusted accordingly.

Work has commenced on the Induction Code with the affected parties agreeing that the best plan for dealing with this code is for it become an industry guideline. The sponsors of the code, NZVA and DairyNZ are rewriting it. They will work in conjunction with VCNZ and MAFBNZ Animal Welfare group to ensure it is written in an auditable way and with NZFSA should any changes to the conditions of registration of the induction drugs be indicated.

Representatives from NZVA, VCNZ, Federated Farmers, NZFSA and MAFBNZ Animal Welfare are meeting with Deer NZ on 30 June to discuss the future of the Deer Delevetting Code.

NZFSA will over the next six months be contacting the sponsors of the other codes to work through the issues.

## Your views sought – proposal to replace practising cards with certificates

VCNZ invites your comments on its proposal to replace the current laminated Annual Practising card with an A4 certificate. The certificate would continue to be provided with a tax receipt.

This proposal has come about because of problems associated with producing the card and the amount of information that can be printed on a wallet sized card! Sourcing printers to produce the cards is also difficult and they are expensive to produce. The information printed on the cards is valid at the time it is issued but does not necessarily remain valid for the full practising year. Conditions may be imposed or removed from a vet's registration during the year or registration or practising status may be suspended. Also some vets choose to cancel their practising status if they cease to work partway through the year.

For this reason the Council encourages those needing information on a veterinarian's current practising status to check this on the online register on the Council's website. This is updated every second day. We are aware (largely because of the frequent requests for replacement cards) that the cards are being used by audit teams (Best Practice and NZFSA) to verify vets' eligibility to practice. A statement of validity needs to be added to the card, drawing attention to the fact that the most accurate information on a vet's practising status should be obtained from the online register.

In summary, a change to an A4 certificate would provide:

- ~ ability for VCNZ to source another printer for the APC renewal process
- ~ a less expensive option than the laminated card
- ~ room to print additional information including a statement of validity and detail of any conditions on practice

Please email your comments to [admin@vetcouncil.org.nz](mailto:admin@vetcouncil.org.nz), or fax to 04 473 8869 by 31 July 2007.

## In brief.....what's Council been up to?

Workshops on the changes to the classification of veterinary medicines and resulting proposed changes to the Code of Professional Conduct	Further meetings with MAF, NZVA and Massey representatives on strategies to address the rural veterinarian shortage including debt relief
Meeting with NZVA, NZNVA, ANTECH, Massey and MAF representatives to discuss proposals to regulate veterinary nurses and technicians	Chair and Registrar participated in the Australasian Veterinary Boards Council (AVBC) meetings in Darwin on 21 and 22 May
Continued participation in meetings of the Agricultural Compounds and Veterinary Medicines Advisory Council (AVMAC) and its working group on the classification of veterinary medicines under the new ACVM Act	Review and confirmation of revised CAC Guidelines, Mentoring Guidelines and Policies on the Management of Complaints and Concerns, s39 referrals, Council Composition and Membership Requirements and Interim Suspension and Imposition of Conditions
Progressing an agreement with AVBC for the exchange of candidates for the final registration examination in the event of under or over subscription	Meetings with ACVM and other affected parties to consider the future of the Induction and Deer Develvetting Codes of Practice
Participation in Prelude to Practice for 5th year Massey students	Establishment of VCNZ and Committees website
First meeting of working party convened to develop proposals for compulsory professional development requirements for the issue of a practising certificate	Agreement to develop Council performance review criteria and seek stakeholder feedback
Agreement to establish two standing Complaints Assessment Committees to address key person risk and spread the workload	Appointment of Phyllis Huitema to replace retiring laymember Mary Mountier on the standing Complaints Assessment Committee

## Veterinarians Health

The Council's Health Committee has considered 20 new health cases over the last four months arising from Annual Practising Certificate application declarations and CAC referrals.

The emphasis of the Council's health processes is on early intervention and rehabilitation. The veterinarian's privacy is protected except in extreme cases where he or she is not co-operative and the public interest is at risk.

The Council has contributed to the NZVA's recent revision of its "Vets and Stress" publication. This can be viewed on the Council's website at <http://www.vetcouncil.org.nz/vetsHealth.php>

Veterinarians are reminded of the independent and confidential support services offered through Seed.



## Veterinary Support

### 24-hour help line

Call now on freephone

**0508 664 981**

An independent, confidential, professional service to help you navigate and resolve personal and work issues.

Part of the Vets & Stress Programme



# Outcome of the Judicial Review proceedings brought by Dr Richard Knight against the Veterinary Council

Justice Clifford's decision on the judicial review proceedings brought by Dr Richard Knight against the Veterinary Council and its Complaints Assessment and Judicial Committees is available on the "News and Issues" section of the Council's website at [www.vetcouncil.org.nz](http://www.vetcouncil.org.nz)

## Background

Six years ago the owner of a cat 'Lui' lodged a complaint with the Council against Dr Knight. The complainant's cat was injured in an accident whilst being treated by Dr Knight and died at his clinic a week after the injury.

Justice Clifford's decision follows protracted and costly legal proceedings arising from this complaint in a variety of legal fora.

Dr Knight mounted an unsuccessful challenge in the District Court in 2004 and a further challenge in the High Court in 2005 before appearing before the Council's Judicial Committee on charges of professional misconduct in March 2007.

The Judicial Committee found that Dr Knight had failed to keep adequate records, censured him and ordered him to pay \$10,000 costs.

Dr Knight did not exercise his statutory appeal right against the Judicial Committee's decision. Instead he commenced judicial review proceedings in the High Court in June

2007. Judicial review is a process for challenging the exercise of a statutory decision making power. Judicial review does not normally allow applicants to dispute the reasons why a decision has been made. Rather the courts focus on the procedure by which the decision has been reached. If the procedure is flawed the decision can be quashed by the court.

## Outcome of Judicial Review

In this case the Judge commented that the conviction, penalty and costs awarded by the Judicial Committee against Dr Knight were not unlawful or unreasonable and that the Committee had taken all relevant circumstances into account.

The Judge did not accept Dr Knight's argument of bias in the decision making or his other claims that the CAC did not have lawful authority to withdraw diversion, acted unreasonably in laying charges and was required to offer mediation. The Judge also did not consider that the Judicial Committee acted in error in finding that failing to keep a dangerous drug register was inadequate record keeping.

Justice Clifford has, however, overturned the VCNZ Judicial Committee's decision on three procedural bases.

The first and substantive reason was a technical point about delegation; that the referral of Dr Knight to the CAC under s 39 of the Act by the

Registrar was unlawful (in that, at that time under the provisions of the newly enacted 2005 legislation the referral had to be made by the Council and could not be delegated to the Registrar). The referral took place 16 days after the advent of the new Act and would have been lawful under the previous legislation.

The second was because some of the evidence the Judicial Committee took into account was based on the 2005 version of Code of Professional Conduct rather than the 2003 version which applied at the time of the complaint.

On the third point Justice Clifford was concerned that the decision document of the Judicial Committee despite finding Dr Knight guilty of professional misconduct did not record sufficient reasoning for finding that the proven particulars met the test of professional misconduct.

## Council's view

The Council is disappointed that the Judicial Committee decision has been overturned. However the Council accepts the Judge's ruling given that further action will not result in any redress for the complainant and would likely only add to the substantial costs already incurred (which include two CAC investigations, the Judicial Committee hearing and the proceedings in the District and High Courts)

## Changes to recognised qualifications for registration as a veterinarian

Following legal advice the Council has recently amended the schedule of veterinary qualifications recognised by it, to include veterinary qualifications gained from certain European universities over certain time periods.

For the full list of recognised institutions, qualifications and assessment and examination programmes for registration purposes please refer to the Gazette notices section of <http://www.vetcouncil.org.nz/pubs.php>

# Important Advice from NZFSA : Hormonal Growth Promotant (HGP) database change and impact on veterinary practices



The Animal Products (Regulated Control Scheme – Hormonal Growth Promotants) Notice 2009 has recently been issued by the New Zealand Food Safety Authority (NZFSA) for implementation 1 August 2009.

The key regulatory impact of the notice is that the entry of HGP information will be directly into the NZFSA HGP database under the direction of the veterinarian who is supervising the HGP implantation.

NZFSA is changing the HGP data management from the current Animal Treatment Information System (ATIS) database to the NZFSA HGP database. This change will take effect from 1st August 2009. With the present system, hard copy records of HGP administration are completed by veterinarians and/or

trained technicians under the supervision of a veterinarian. These records are mailed to the HGP database administrator in the AsureQuality Limited (AQ) office in Hamilton where the ATIS database is maintained. With the change, AQ will no longer be involved in data entry or database management.

The contents of the ATIS database will be migrated into the new NZFSA HGP database on 1 August 2009. Following this, the responsibility for HGP data entry into the new database will then become the responsibility of the veterinary practice. The new HGP system will place the cost of HGP implanting onto the beneficiary i.e. the owner of the HGP implanted animals. The veterinary practice can make a commercial decision whether to charge the farmer for the cost of entry of a HGP implanted animal onto the NZFSA HGP database.

The ATIS database, which was developed in the year 2000, currently records information on all HGP treated animals in New Zealand. Files containing identification numbers (the primary ear tag number) of HGP treated animals are generated on a weekly basis from the

information contained in ATIS. These files are provided electronically to primary processors to enable them to identify HGP treated animals coming through to slaughter establishments. This is to ensure that any HGP treated animal product which is exported meets overseas market access requirements. The files generated from the NZFSA HGP database will continue to be sent to primary processors.

Veterinarians and/or technicians who implant the HGPs will be responsible for ensuring that the required data is entered directly into the NZFSA database. NZFSA will be responsible for database management. To enter the data, veterinarians and/or technicians who implant HGPs must be registered with NZFSA and provided with their own user name and password. The current hardcopy system will be disestablished with the introduction of the new system.

Training resources and assistance for those practices who would like help with the new system will be provided by NZFSA Verification Agency.

For any queries about these changes please contact [hgp@nzfsa.govt.nz](mailto:hgp@nzfsa.govt.nz)

## Use of Medicines by Veterinarians

**Veterinarians are reminded that they must not use, recommend or authorise the use of prescription medicines, pharmacy only medicines or restricted medicines (as defined in the Medicines Act 1981) for use on humans. The illegal use of medicines has the potential to put veterinarians' prescribing rights at risk.**

The Council was recently contacted by a pharmaceutical wholesaler regarding the numbers of veterinarians seeking to access Tamiflu.

The Medicines Act 1981 contains a specific exemption allowing veterinarians to authorise the sale, supply or administration of prescription medicines (as defined in the Medicines Act) for the treatment of animals under the care of

that veterinarian. The same legal restraint applies to pharmacy-only medicines and restricted medicines.

It is illegal and unethical for veterinarians to authorise the use of restricted medicines for the treatment of people.

Tamiflu has restrictions on sale that preclude veterinarians from purchasing it directly from a wholesaler for personal use. Veterinarians wanting to purchase Tamiflu for personal use are advised to contact their general practitioner or pharmacist.

VCNZ regards any breaches of veterinarians' ethical and legal obligations in relation to the authorisation of prescription, restricted and pharmacy only medicines very seriously.

If specific cases of Tamiflu being obtained by vets for personal use are brought to Council's attention then they will be investigated and appropriate action taken depending on the individual circumstances.

If veterinarians have ordered Tamiflu and have it on their pharmacy shelf (for animal treatment) they have not, at this point, broken the law. It is not until they use the product for other than animal treatment that they break the law and breach ethical standards.

It is disturbing that there appear to be a number of the profession who are not aware of, or are ignoring, their ethical and legal obligations in this area.

## VCNZ office staff roles and responsibilities



**Janet Eden**  
CEO and Registrar

Management of the Council office

Implementation of the statutory functions of the Veterinarians Act

Executive and policy support services to the Council and its committees

Meeting Council's strategic objectives.

Accountable to the Council; VCNZ staff are accountable to the CEO



**Anthea Black**  
Executive Officer,  
Registration and  
Complaints

Management of the registration and examination processes

Support to the Registration Committee

Administrative and secretarial support to the complaints process



**Helen Piercy**  
Executive Officer,  
Finance,  
Administration  
and Competence

Day to day office management

Oversight and management of the Council's financial transactions, including the management of funds and financial reporting

Co-managing, with the CEO, the annual practising certificate renewal and budget process

Support to the competency assessment and recertification processes



**Margriet Philipsen**  
Administration  
Officer

General administration, office support and reception services

Processing applications for registration, annual practising certificates and letters of good standing

Maintaining and updating the Register of Veterinarians;

Processing accounts payable and receivable and preparing the payroll

Administrative support services to the Council's health processes