



## Review of the Code of Professional Conduct for Veterinarians



The Code Review working party has completed the bulk of its work, with one further meeting this month to finalise the remaining sections on Professional Integrity and Legislative Requirements.

Council will be formally consulting before finalising the revised Code, but meantime the working party welcomes feedback on the latest drafts. Your attention is drawn particularly to:

- The proposals around the use of Veterinary Operation Instructions (VOI) as set out in the Veterinary Medicines Section. VOI are a set of instructions from an authorising veterinarian to a non-veterinarian to hold a restricted veterinary medicine (RVM) in anticipation of use. Use must only be in accordance with the authorising veterinarian's instructions in circumstances where the authorising veterinarian will not be carrying out a case-specific consultation, and where all matters requiring consideration by the veterinarian have been addressed in the instructions.
- The proposed requirements around emergency care as set out in the Veterinary Services section.

Please email your comments to [registrar@vetcouncil.org.nz](mailto:registrar@vetcouncil.org.nz)

### VCNZ Newsbrief on-line

This will be the last professionally printed NewsBrief. From now on we will be providing it to vets electronically, with in-house printed copies available on request.

If you want to receive a hard copy please email [admin@vetcouncil.org.nz](mailto:admin@vetcouncil.org.nz) or ring 04 473 9600

### Is your email address the right one?

Veterinarians need to be aware that the email addresses they provide to the Council will increasingly be used to correspond with or contact them.

The Council is making increasing use of email to communicate with veterinarians. This saves time and reduces administration costs. Please ensure we have your correct email address and email any changes to: [vet@vetcouncil.org.nz](mailto:vet@vetcouncil.org.nz)

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## Fees and Allowances

Members of the Council, and of any committee appointed by the Council, are paid prescribed fees for attendance at meetings and preparation time and reimbursed for the costs of travel, accommodation and meals.

For further information please contact the Registrar on 04 473 9600.

## Meetings of the Council

Currently the Council holds formal physical meetings four times a year for one to two days. Members also participate in teleconference meetings of Council, committees and working parties on specific issues. It is estimated that members spend up to 20 days per annum on Council business including preparation for meetings and attending meetings with external bodies.

When carrying out their functions the Council and its Committees must follow the principles of natural justice and administrative law. The Council must act lawfully i.e. only act within the limits of its powers set out in the Veterinarians Act 2005. The Council must also act fairly. Decisions of the Council are reviewable by the Courts and it is also possible for people to take civil action against the Council or its individual members. Members are excluded from liability if acting in good faith. Each member is provided with guidance that describes how the Council and its members can adhere to the principles of natural justice and administrative law.

# Nominations for Council membership

## VCNZ elections - December 2010

2010 is election year for the three elected veterinary positions on the Veterinary Council of New Zealand. If you are interested in serving on the Council, or in nominating another veterinarian to serve, then take note that nominations will be called for in the July Newsbrief. The election day has been set at Friday 3 December and those elected will be serving their three year term from 6 December 2010.

## Duties and Responsibilities of Council Members

In making themselves available for appointment or election, candidates must ensure that:

- there is no conflict of interest which would preclude their appointment; and
- they are available to serve for at least one term of up to 3 years

The Council provides an induction manual and organises individual orientation sessions for all new members.

The overriding duty of Council members is to serve the interests of the public. Council members are expected to:

- work to protect the public interest by ensuring veterinarians are competent and fit to practise. Members are accountable to the Minister of Agriculture (and through the Minister of Agriculture to the public of New Zealand)
- attend meetings and undertake Council and Committee activities as independent people responsible to the Council as a whole and not as representatives of professional organisations or interest groups. This is especially important because members may, at times, be party to decisions which conflict with the views of other organisations with which they are involved
- serve on Council committees or working groups as required
- prepare for, and attend, all Council meetings and devote sufficient time to become familiar with the affairs of the Council and the wider environment in which it operates
- become familiar with and operate according to the Veterinarians Act 2005 and other relevant legislation including the Privacy Act 1993 and Human Rights Act 1993
- maintain the confidentiality of Council discussions and papers, including agenda material and minutes and take particular care to ensure the privacy of individuals who may be subject to Council proceedings
- be prepared to assume collective accountability and responsibility for Council decisions and actions
- perform their functions in good faith, honestly and impartially and avoid situations that may compromise their integrity or otherwise lead to conflicts of interest
- declare conflicts of interest that may prevent them (or be perceived to prevent them) from reaching an impartial decision or undertaking an activity consistent with the Council's functions.

## New research on veterinary suicide rate

A new paper in a recent issue of Veterinary Record by D J Bartram and D S Baldwin, finds that veterinary surgeons in the United Kingdom are four times as likely as the general public, and around twice as likely as other healthcare professionals, to die by suicide as opposed to other causes.

The paper 'Veterinary surgeons and suicide: a structured review of possible influences on increased risk' appears in the Veterinary Record, March 27 2010 pp 388-397.

The paper suggests that a complex interaction of possible mechanisms may occur across the course of a veterinary career to increase the risk of suicide. Possible factors include the characteristics of individuals entering the profession, negative effects during undergraduate training, work-related stressors, ready access to and knowledge of means, stigma associated with mental illness, professional and social isolation, and alcohol or drug misuse (mainly prescription drugs to which the profession has ready access). Contextual effects such as attitudes to death and euthanasia, formed through the profession's routine involvement with euthanasia of companion animals and slaughter of farm animals, and suicide 'contagion' due to direct or indirect exposure to suicide of peers within this small profession are other possible influences.

No similar research has been done here, but the Council's Health Committee considers that the same risk factors exist in New Zealand.

Veterinary science by its very nature can expose its practitioners to a greater number of stressors and hazards than those encountered by the rest of the community.

Stresses include the physical demands of the work, long hours, fatigue and sleep deprivation, debt, the demands of clients and external bodies and fear of litigation and complaints. Being able to manage the complex act of euthanasia of animals and accompanying grief management presents additional demands.

Veterinarians are also vulnerable to the same physical and psychological disorders as the rest of the community. These disorders occur in veterinarians just as often as in the general population and some such as suicide, alcohol and drug abuse and accidents occur more frequently.

It is therefore not surprising that some veterinarians are working under some degree of impairment. If professional help is not sought, it is often just a matter of time before serious problems occur.

### What help is available?

- NZVA's "Vets and Stress" publication which provides guidance on identifying and managing stress. [www.vetcouncil.org.nz/vetsHealth.php](http://www.vetcouncil.org.nz/vetsHealth.php)
- The independent and confidential support services offered through the Seed 24 hour help line
- Collegial advice and support from NZVA
- The Council's Health Committee. Contact the Council's Registrar in situations where other interventions haven't worked and you have serious concerns about your own health or that of a colleague. The focus is on rehabilitation and support.

The advertisement features the 'seed' logo with the tagline 'EXPERTS WITH PEOPLE AT WORK'. The main heading is 'Veterinary Support' in a large, bold font. Below this, it states '24-hour help line' and provides the freephone number '0508 664 981'. A short paragraph describes the service as an independent, confidential, professional service to help navigate and resolve personal and work issues. It also mentions it is part of the Vets & Stress Programme. At the bottom, there are logos for the New Zealand Veterinary Association Inc. and the Veterinary Council of New Zealand.

## New Council fees

Council has approved increases to registration application and letter of good fees following a cost analysis and consultation with the profession.

The Council thanks those who took the time to respond with comments on the proposed increases.

Concerns were raised about the proposed increase to the letter of good standing fee from \$25 to \$61. We therefore reviewed current processes. Costs have been able to be reduced by speedier processing and using email rather than faxes.

The new fees are as follows:

- Massey new graduate registration application fee: \$307 (from \$247.50)
- TTMRA registration application fee: \$307 (from \$247.50)
- Registration application fee for overseas applicants holding prescribed qualifications and for registration examination applicants: \$337 (from \$247.50)
- Limited registration application fee: \$743 (from \$247.50)
- Letter of good standing fee: \$30 (from \$25)

## Council finances

As budgeted for, there was a deficit of \$263,000 in the 2009 annual accounts. Further detail will be provided in the 2009 Annual Report available in May.

The Council has prepared a further deficit budget for the 2010 year which will further reduce reserves to \$250,000. This is the minimum level considered necessary to provide a buffer against unbudgeted events such as unforeseen court action or a spike in the number of complaint, competence assessment or disciplinary cases.

It is therefore likely there will be a further modest increase in annual practising certificate fees for the practising year commencing 1 April 2011.

## Council's complaint processes

Unlike most other Western veterinary jurisdictions, New Zealand is fortunate to have relatively recent legislation in the Veterinarians Act 2005. This, like the Health Practitioners Competency Assurance Act (HPCA) 2003, provides alternatives to discipline to address performance issues.

Rather than seeking to 'name, blame and shame' individual veterinarians through disciplinary proceedings

the focus of the Council's current complaints processes is on attempting to resolve complainants' concerns, identifying the causes of the behaviour or performance which led to the complaint and preventing recurrences - whether through recommendations to the veterinarian, conditions on practice or referral to the Council's competency and health processes.

Disciplinary processes are reserved as a last resort measure for

situations where there have been repeated or reckless breaches of the required standards or where the veterinarian has acted with wilful disregard to the requirements.

The Council and CAC do understand that being subject to a complaint is highly stressful and as such provides advice to the veterinarian concerned to encourage them to access support services.

However the Council's complaints process must be administered in accordance with statutory requirements. Lawyers acting for the veterinarian, complainant or the CAC are very often involved. At all times CACs are aware that the decisions and recommendations they make, affect people's lives and livelihoods and may be subject to judicial review by the complainant or the veterinarian.

As such CAC activities must be conducted meticulously and diligently, with fair decisions made in accordance with natural justice, confidentiality and privacy requirements. The three main components of natural justice are the right to an unbiased hearing, the right to be made aware of allegations and the opportunity to respond.

Because of the statutory environment in which CACs operate, their processes can sometimes take more time than veterinarians and complainants would like and their communications are framed bearing in mind the legal requirements.

Complaint investigation is a difficult task. Criticisms from dissatisfied veterinarians or clients are not uncommon. Robust and

### How can Veterinarians avoid adverse events and complaints?

Despite best efforts adverse events occur and complaints are an inevitable part of veterinary practice. However the way veterinarians practise can influence the likelihood of complaints and the way complaints are dealt with can reduce the risks of them escalating to the Council.

Adverse events and complaints are reduced when veterinarians:

- Collect a good history and do a thorough examination
- Communicate well so that clients understand the information provided and are fully informed of treatment options, risks and costs
- Ensure the client's informed consent and document this.
- Keep up to date in their field of practice and recognise limitations. Second opinions are sought or referrals are made in circumstances where there is a risk of practising outside the boundaries of competence. In emergency situations in particular, clients are made aware of any limitations in the veterinarian's knowledge and experience to deal with the situation
- Keep detailed and accurate records
- Fully inform and update other veterinarians involved in the treatment in situations of multiple providers
- Avoid adverse comment about other veterinarians. Where genuine concerns exist about a colleague's competence or health these are raised with the Council and not the client
- Are aware of ethical and statutory responsibilities
- Don't hide the adverse event or complaint and access early support and assistance, for example through their professional indemnity insurer or employer
- Act quickly if a client complains. The complaint is taken seriously. An early open and honest explanation of what happened and why is given together with a sincere apology. Where appropriate the client is advised of what actions have been taken to prevent it happening again
- Treat the adverse event/complaint as a valuable learning experience and where it may have been preventable put in place measures to ensure it does not recur

## Council's complaint processes cont.

fair CAC investigations are a very necessary part of the current professional regulation framework and are important in protecting the public interest. The Council is therefore very grateful for the commitment of those members of the profession and lay people who undertake this important work. There is sometimes a thankless task.

Although Council processes must comply with legislative provisions, the Council is always seeking, and is alert to, ways to improve how it implements the statute. Over the last 18 months the Council has conducted a survey of veterinarians and complainants involved in complaints, and has sought feedback from stakeholders on CAC processes as part of its overall performance review. As a result of these two surveys, and other feedback, the Council has:

- produced more comprehensive guidelines for CAC members
- staged a two day training session for members of the CAC panel with significant input from external sources on alternatives to discipline and legal requirements
- made more use of provisional CAC decisions which are provided to the veterinarian and complainant for comment prior to a final determination being made
- revised standard CAC template letters
- agreed to provide more information on the outcomes of Complaints Assessment Committee cases through anonymised reporting in NewsBrief and on the website
- continued the focus on early resolution of complaints

- and rehabilitative measures to address concerns, while ensuring that disciplinary measures are strenuously pursued where there is reckless or repeated breaches of, or wilful disregard for, the required standards
- encouraged and increased awareness amongst veterinarians about early notification of concerns about the poor performance or conduct of peers and the associated information requirements

CACs are committees of Council and as such subject to Council's control. The Council receives and considers all CAC recommendations and determinations and has a discretionary power under s43 of the Act to determine a complaints matter in accordance with a CAC's statement or in any other way.

Veterinarians and complainants who are dissatisfied with a CAC determination can and do apply to the Council to review the outcome.

Any consideration by the Council of a CAC recommendation or decision is not a relitigation of the complaint. It is inappropriate for the Council to do so when it has not been involved in conducting the investigation or been privy to discussions or meetings that may have led to the recommendation or decision. Rather this provision involves the Council reviewing the case to determine whether appropriate processes and decisions have been used and reached and that any CAC recommendations are workable and appropriate. The Council is unlikely to interfere with the decision or recommendation of

the CAC unless the procedure or processes were flawed.

In situations where the Council considers the CAC process was flawed the Council has a number of options including:

- asking the CAC to reinvestigate parts or all of the complaint; or
- forming a new CAC to consider the matter

### How can employers help to reduce adverse events/complaints?

Employers have a key role in ensuring the competence of their employees. This is particularly important in relation to newly registered or inexperienced veterinarians.

Factors such as high workloads, lack of CPD opportunities, lack of support and poor workplace morale have the potential to impact negatively on a veterinarian's ability to perform.

Employers can assist their employees to deal with complaints by addressing these issues and providing an environment within which adverse events and complaints are discussed openly, analysed and mechanisms put in place to prevent them recurring.

Performance management systems may need to be put in place in situations where a veterinary employee continues to make errors or demonstrates poor practice such as a lack of skill or knowledge or poor judgement.

**Employers need to give serious consideration to notifying the Council of competence concerns in situations where local interventions and attempts at education, mentoring and support have not worked.**

## New number for animal welfare complaints

Practising veterinarians in New Zealand will receive a fridge magnet enclosed with this newsletter. Last year the Ministry of Agriculture and Forestry (MAF) established a new phone number to use for reporting any suspected animal welfare offences - 0800 00 83 33.

The new number also deals with all nationwide general MAF enquiries. Overseas callers should use 04 894 0100 to contact MAF.

Anyone phoning MAF's former animal welfare hotline (0800 32 70 27) will be automatically advised about the new number and have their call transferred as required.

The new number is part of work underway at MAF to make it easier for the general public and stakeholders to get in touch.

For veterinarians, the concern they are reporting to MAF may be about the animal of a client who has failed, and continues to fail, to follow their advice in terms of mitigation of suffering. Or it may be about animals that, while not under the direct care of a veterinarian,



## Animal Welfare Complaints

To report cases of animal ill-treatment  
or cruelty please phone

**0800 00 83 33**

are believed to have compromised welfare or be suffering unreasonable or unnecessary pain or distress.

Animal Welfare Inspectors (from MAF, NZFSA VA or SPCA) rely upon information received in order to investigate complaints. They do have the power to prosecute, but the first approach in all but the most serious situations is normally educative. As such, their role can be seen as complementary to the professional role of veterinarians, as stated in the Code of Professional Conduct, of preventing and relieving animal suffering.

## Regulation of Para-Professionals and Changes to the Veterinarians Act

The Council's submission to the Minister on proposed legislative changes is available at: [www.vetcouncil.org.nz/documentation/WorkingDocuments/VCNZ\\_Submission\\_ChangesVetAct2005.pdf](http://www.vetcouncil.org.nz/documentation/WorkingDocuments/VCNZ_Submission_ChangesVetAct2005.pdf)

The Minister has acknowledged the potential for significant benefits to be gained by the livestock based industries from the regulatory framework the Council is seeking. However to meet Government thresholds for regulatory intervention the risks

of significant and irreversible harm posed by poor paraprofessional practice must be demonstrated.

The Council thanks those vets who responded to the Council's request for information on any risks posed by unregulated veterinary paraprofessionals – particularly those operating outside a veterinary practice infrastructure.

This useful feedback is currently being incorporated into a further submission on this issue.

## Lost Vets

Section 23 of the Veterinarians Act requires veterinarians to promptly advise the Council of any changes to their contact details. It is important that you do so, as the Council must be able to contact you. During the latest annual practising certificate renewal round the following veterinarians have not responded to mail sent to them, or their mail has been returned to us:

Sinead Eileen	DEDERICH
Patrick Francis	CUDDY
Emma Louise	BOYD
Pauline Louise	CALVERT
Aaron Elton	CHAMBERS
Jennifer Charlotte	GREEN
Victoria Helen	HERBERT
Theodorus Daniel	HOTLZHAUSEN
Helen Jessica	KNOX
Kate Helen	MAY
Emma Kate	RANKIN
Helen June	THOMPSON
Ian Christopher	THORNTON
Eion James	WHELAN
Feitze Ype	KAMPEN
Maud	STEENBERGEN
Christopher James	O'KANE
Joanna Marie	MILAN

If you know how to contact any of these veterinarians please email [admin@vetcouncil.org.nz](mailto:admin@vetcouncil.org.nz) or phone 04 473 9600

# Requirements for Veterinarians under the Misuse of Drugs legislation

*To keep themselves and their staff safe, veterinarians need to comply with the controls around the use of controlled drugs.*

The 'Misuse of Drugs Act 1975' and the 'Misuse of Drugs Regulations 1977' govern the prescribing and supply of controlled drugs, and provide for the prevention of their misuse.

This article is based on New Zealand Veterinary Association guidance.

Section 8 of the Misuse of Drugs Act allows veterinarians to supply and administer controlled drugs. It also allows for access of persons having the care of animals, to controlled drugs when these are

prescribed or dispensed by a veterinarian for animals under that veterinarian's care.

It is illegal and unethical for veterinarians to authorise the use of controlled drugs (or any veterinary or human medicines) for human use.

Controlled drugs are arranged in classes which are set out in the table below.

They have varying rules applying to their authorisation and supply.

The Misuse of Drugs Regulations deal with the practical requirements of

individuals authorised to have access to Controlled Drugs under the Misuse of Drugs Act.

**Regulation 28 of the Misuse of Drugs Regulations require veterinarians to keep all drugs in classes A, B and parts 1 to 4 of Class C, in locked cupboards or in locked compartments that are constructed of either metal or concrete or both.** Where the cupboard or compartment is installed in a building constructed after 1977 the cupboard or compartment must be of an approved

Classification		Examples	Records	Storage
Class A (Sched I)	Severely restricted substances anywhere: Ministerial approval required for use	Lysergide, Thalidomide, Heroin, TCP, Cocaine Etorphine	N/A in community pharmacies. Full CD records if dispensed in hospitals under Ministerial approval, CD prescription form H572	CD cabinet where applicable
Class B (Sched II)	Part I (high abuse level) Ministerial approval required for use of cannabis	Morphine Opium Cannabis preparations	CD Register plus bound prescription book* and CD prescription form HS572	CD cabinet
	Part II (prohibited substances outside hospitals): Ministerial approval (general or specific) required for use	Amphetamine Dexamphetamine Methylphenidate Norpseudoephedrine	N/A in community pharmacies. Full CD records in hospitals and CD prescription form H572	CD cabinet in hospitals
	Part III (medium abuse level)	Alfentanil Palfium Pethidine Methadone Oxycodone	CD register plus bound prescription book* and CD prescription form H572 (methadone can also be on form H572M or pre-printed H572 form)	CD cabinet
Class C (Sched III)	Part I Ministerial approval required. Less potent forms of cannabis (ie plant, fruit and seed)	Coca leaf	N/A	N/A
	Part II	Codeine and its salts and isomers eg linc codeine, syrup codeine phos, codeine tablets, powder and injection (except those specified in Part VI)	None	CD cabinet
	Part III "Partially Exempted Drugs"	Dihydrocodeine Pholcodien (except those specified in Part VI)	None	CD cabinet
	Part IV	Barbiturates (except those in Part V) Glutethamide Buprenorphine	CD prescription form H572	CD cabinet
	Part V	Tenuate Dospan Phenobarbitone and barbiturates in combination Propoxyphene	None	Shelf
	Part VI "Exempted Drugs"	CDs in combination where the CD cannot be readily recovered and up to stated strengths, eg linctus pholcodine forte; linctus pholcodine; diphenoxylate and atropine;	None	Shelf
	Part VII	"Designer Drugs"		

## Requirements for Veterinarians under the Misuse of Drugs legislation cont...

type. The cupboard or compartment must be fixed to the building. The key to the cupboard or compartment must be kept in a safe place when the key is not being used.

Despite the absence of a requirement for Controlled Drugs in Class C parts 5 to 7 to be subject to Regulation 28 of the Misuse of Drugs Regulations, the Veterinary Council and New Zealand Veterinary Association advises that it is prudent practice that such drugs be kept under lock and key.

Regulation 37 of the Misuse of Drugs Regulations requires pharmacists and certain individuals to maintain Controlled Drug Registers and prescription books.

Regulation 41 of the Misuse of Drugs Regulations provides exemption for veterinarians from the requirement to maintain controlled drug registers and prescription books.

**Despite this exemption the Veterinary Council, the New Zealand Veterinary Association and the Ministry of Health strongly advise veterinarians in multiple practices to maintain controlled drug registers in the approved form.**

The approved form is contained in Schedule One of the Misuse of Drugs regulations and can be downloaded at: <http://www.legislation.govt.nz/regulation/public/1977/0037/latest/DLM56104.html>

## New Zealand National Veterinary Examination (NZNVE)

The NZNVE is the means by which a veterinarian who is trained overseas but whose degree is not immediately eligible for registration in New Zealand may demonstrate competence to be registered.

There are two parts to the examination:

- the Preliminary Registration Examination, staged 2 times a year, and made up of three papers in multiple choice question format. Each of the papers has 100 questions that are designed to test the candidate's knowledge across a variety of subject areas

- the Clinical Examination held annually in November at Massey University. This is made up of one written paper and nine other sections in clinical veterinary medicine. A pass is awarded when all ten sections have been successfully completed. However candidates who fail three or less sections are only required to resit the sections they have failed

Further information is available on the Council's website at: [www.vetcouncil.org.nz/gainReg.php](http://www.vetcouncil.org.nz/gainReg.php)

### National Veterinary Examination Result Summary 2005 - 2009

	Preliminary	Final	Supplementary
Candidate attempts	68	34	6
No. of passes	42	19	6
Pass rate overall	62%	56%	100%

## Information from the Register of Veterinarians

### Number of veterinarians with practising status (June figures)

	2003	2004	2005	2006	2007	2007	2008	2009
Practising	1833	1940	2047	2122	2171	2275	2312	2360
Non-practising	370	401	369	347	320	310	258	219
<b>Total</b>	<b>2203</b>	<b>2341</b>	<b>2416</b>	<b>2469</b>	<b>2491</b>	<b>2585</b>	<b>2570</b>	<b>2579</b>

### New registrations in 2009 (by country)

Great Britain	36	Canada	7
New Zealand	97	India	2
Australia	16	Belgium	4
United States of America	2	Germany	1
The Netherlands	4	Bulgaria	1
Ireland	11	Denmark	1
South Africa	6		
Poland	1	<b>Total</b>	<b>189</b>

## In brief.....what else has Council been up to?

Re-elected Ron Gibson as Council Chair and Norm Williamson as Deputy Chair	Met with Federated Farmers to discuss the proposed regulation of paraprofessionals
Considered complainants' concerns about a recent CAC decision and agreed with the CAC's determination	Met with NZVA, Massey and MAF to plan activities for World Veterinary Year in 2011
Staged the preliminary registration examination for overseas veterinarians in February. Of the seven candidates, only one passed	The Chair lectured Massey veterinary students on regulatory requirements
Reviewed and finalised the annual business plan	The Chair participated in 2 AVBC teleconference meetings
Continued to participate in meetings of the Agricultural Compounds and Veterinary Medicines Advisory Council (AVMAC)	Met with MAF policy officials to discuss proposed changes to the Veterinarians Act.
Held regular meetings with NZVA, MAFBNZ and ACVM officials.	Annual practising certificate renewal exercise