



# VETERINARY BOARD OF TASMANIA

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## ***Veterinary Surgeons Act 1987*** (as amended) and ***Veterinary Surgeons Regulations 2012***

The *Veterinary Surgeons Act 1987* was amended by the *Veterinary Surgeons Amendment Act 2011* as from 12 December 2012. The *Veterinary Surgeons Regulations 2004* were revoked and replaced by the 2012 regulations on the same day. The Act and Regulations may be viewed (and printed from) [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au)

The changes to the *Veterinary Surgeons Act 1987* and Regulations include:

- applying National Recognition of Veterinary Registration in Tasmania;
- providing that the Board may approve fees under the Act;
- changing the due date for the annual renewal fee;
- changes to the definition of 'veterinary services';
- expanding the list of services that are not veterinary services;
- providing that the Board may declare veterinary service standards, including rules of conduct;
- allowing researchers and overseas trained vets who are studying for their National Veterinary Examination to provide veterinary services in certain circumstances; and
- applying legal obligations to veterinary services partnerships (similar to those applying to veterinary services companies).

### **1. National Recognition of Veterinary Registration (NRVR)**

Tasmania has joined New South Wales and Victoria with national recognition of veterinary registration (NRVR).

#### **1.1 Tasmanian vets visiting NSW and Victoria**

Tasmanian registered veterinary surgeons who hold primary registration in Tasmania and maintain their residency and registration in Tasmania but travel to work in New South Wales and Victoria on a part-time or locum basis do not require secondary registration in those two states.

#### **1.2 Interstate vets visiting Tasmania for locum/short term placements**

Similarly, visiting interstate registered veterinary surgeons and veterinary specialists who undertake short term visits or locum placements in Tasmania are no longer required to hold secondary or short term specific purpose registration for their practice in Tasmania. Their interstate registration is automatically 'recognised' for the purpose of practising in Tasmania.

This means that the Board will not be involved in checking their registration details and in fact will not be aware that they are working in Tasmania. However these visiting vets will be subject to the Tasmanian Board's disciplinary processes if a complaint is received about their actions.

The implication for veterinary practices is that if you are employing a locum from another State or Territory, it is your responsibility to verify their identity and ensure that they hold current registration with their respective State or Territory registration Board. Further, any conditions, limitations or restrictions placed on an interstate registration will also apply in Tasmania. It is recommended that an employer should sight a copy of a locum's current registration certificate and check their status via the relevant Board's online register.

Interstate vets are reminded that while working in Tasmania, irrespective of their State or Territory of registration, they must comply with the obligations, requirements and conditions as set out in Tasmanian legislation.

#### **1.3 Temporary, non-practising or honorary registrations**

Tasmania does NOT recognise interstate temporary, non-practising or honorary registrations.

## 1.4 New Zealand vets

NRVR does not extend to New Zealand registered vets, unless they also hold primary registration in another Australian State or Territory. As has previously been the case, visiting vets from New Zealand will need to apply for primary registration in Tasmania if they wish to work here, even for a short period.

## 1.5 When does an interstate vet need to apply for registration in Tasmania?

Once an interstate registered vet takes up permanent residence in Tasmania, they are required to apply for registration with the Veterinary Board of Tasmania. In practical terms, if an interstate registered vet moves to a permanent or ongoing position in Tasmania, they can commence working immediately in Tasmania under NRVR, but must lodge their application for registration as soon as practicable.

## 2. Approved fees

The Board is now responsible for its expenses 'incurred in the administration of the Act' and has the authority to set the fees under the Act.

The annual registration (renewal) fee for 2013 is \$350 and the fee for new registrants continues to be pro-rata of the annual fee depending on when the application made, together with a fixed application fee of \$110. Other changes include an increase in the fee for a Letter of Good Standing to \$44 (including GST) and the imposition of a late fee of \$55 for late renewals. The list of approved fees is set out in full on the VBT website.

## 3. Annual registration fees due 31 January 2013 (in future 31 December)

The Act previously provided that the annual registration fee was not due until 1 March. The Act now provides that the annual fee must be paid before 1 January. Given that the renewal notices have only been sent out in mid- December, an extension will be granted to **31 January 2013**. Any renewals not received by that date, and which require 'chasing up' may incur a late fee of \$55 (incl GST) or else the registration may be cancelled and a fresh application for registration would be required.

## 4. Definition of 'veterinary services'

The new definition in the Act provides:

*veterinary services* means services that form part of the practice of veterinary surgery, and includes, but is not limited to including, the following services:

- (a) the examination of, or attendance on, any animal for the purposes of diagnosing the physiological or pathological condition of the animal, including testing or imaging for diagnostic purposes;
- (b) giving advice based on a diagnosis referred to in paragraph (a), including prescribing treatment, drugs, medications or medical appliances;
- (c) performing medical or physical treatment of animals;
- (d) performing surgical procedures on animals;
- (e) administering an anaesthetic to any animal;
- (f) conducting pregnancy testing of any animal;
- (g) carrying out, by manual operation or use of instrumental appliances, any procedure on an animal for artificial breeding purposes –

but does not include any prescribed services\*;

## 5. Non-veterinary 'prescribed' services\* –regulation 4

The new 2012 Regulations prescribe a number of services that may be carried out by non-vets (subject, of course, to the *Animal Welfare Act*). The previous list has been expanded. Some are practical, such as foot trimming and ear tagging while others clarify the limitations placed on non-vets who undertake quasi-veterinary functions. For example, the regulation makes it clear that while the "filing or rasping of horse teeth without the use of power tools" may be performed by a non-vet, any equine dentistry that involves the use of power tools must only be performed by a vet.

The following is the full list of services not included in the definition of veterinary services (**bold** indicates an addition or change to the previous list):

- (a) tail docking of lambs that are 6 months old or less;
- (b) mulesing of lambs that are 6 months old or less;
- (c) deworming that does not involve oesophageal intubation (stomach tube);
- (d) castration of oxen, sheep or goats that are 6 months old or less;
- (e) castration of pigs that are **2 months** old or less;
- (f) sexing chickens;
- (g) debeaking chickens;
- (h) removal of horn, horn core and associated skin in **goats**, or oxen or sheep, that are 6 months old or less;
- (i) removal of horn or antler buds from any species before the formation of horn or pedicels (antler bases);
- (j) removal or partial removal of antlers or horns from any species, provided that no vascular or other living tissue is removed with the antler or horn;
- (k) filing or rasping of horse teeth without the use of power tools;**
- (l) shoeing of horses;**
- (m) non-invasive massage;**
- (n) collection of faecal samples;
- (o) collection of milk samples;
- (p) collection of blood samples at the direction of a registered veterinary surgeon;
- (q) administration of veterinary medicines, **in accordance with the label approved under the Agvet Code of Tasmania** in relation to that medicine, by subcutaneous or intramuscular injection, oral administration (except oesophageal intubation) or application to any external body surface;
- (r) anaesthetising and sedating of –**
  - (i) fish of the class Osteichthyes; or**
  - (ii) sharks, rays, lampreys or other cartilaginous fish of the classes Chondrichthyes and Agnatha;**
- (s) giving of advice on the nutrition and management of animals;
- (t) foot trimming;
- (u) ear tagging, ear marking or ear tattooing of any species;**
- (v) branding of any species;**
- (w) examination for pregnancy by the external application of ultrasound scanning in any species;
- (x) artificial insemination, provided that the semen is introduced via the vagina and cervical canal.

## 6. Veterinary Service Standards

The new section 5B of the Act provides that the Board may declare veterinary service standards which may specify the standards of service, and may specify the rules of conduct of a veterinary surgeon.

The Act is further amended to provide that a vet is guilty of misconduct in a professional respect if he or she contravenes or fails to comply with any provision of a veterinary service standard. The Board will be working on updating the existing standards in the next year.

## 7. Exemption from the operation of section 11 – regulation 5

It is an offence under section 11 of the Act for a non-vet to practise veterinary surgery or provide a veterinary service. The Act contains some exemptions – for example, a veterinary student working under instruction from, and in the presence of, a vet. It also allows for ‘prescribed’ cases. Regulation 5 prescribes two categories of persons who are exempted from the offence provision of s11.

### 7.1 National Veterinary Exam candidates

An overseas trained vet studying for his or her National Veterinary Exam (NVE) is allowed to practise as a veterinarian without being registered, provided they are working in a private practice under the direct supervision of a registered veterinary surgeon. The regulation has been amended to require the person to seek approval from the Board prior to commencing work, and to ensure that any work is carried out in the presence of the supervising vet. The NVE candidate must be studying for the final clinical NVE exam.

### 7.2 Research and teaching

Students and scientists at a licensed research institution (for example, the University of Tasmania), may provide a veterinary service for the purposes of teaching or research, if the work is part of a research project approved by an Animal Ethics Committee. The researchers must be either trained and assessed as competent by a registered veterinary surgeon in a particular technique required for a research project and be acting under the authority of that veterinary surgeon; or be supervised by and providing the veterinary service in the presence of a registered veterinary surgeon. In either situation, the vet must be nominated by the licensed institution.

## 8. Veterinary services entities

As foreshadowed in the July newsletter, the Act has been amended to require veterinary services partnerships, as well as veterinary services companies, to notify the Board of particulars of their office(s) and the partners’ details. A veterinary services partnership is defined as ‘a partnership that carries on a business, all or part of which consists of the provision of veterinary services’.

The Board is required to keep a list of all veterinary service entities (i.e. companies and partnerships).

A veterinary services company or partnership that is not on the list must not provide veterinary services.

There are no fees associated with the notification of a veterinary services entity.

For those **companies** that have not yet provided an update and for **all partnerships**, please complete and return the form on the VBT website under ‘Veterinary Services Entities’.

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The preceding summary of the changes to the Act is not meant to be a definitive list of the changes. It is recommended that vets should obtain a copy of the Act and Regulations from the legislation website [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au) or from the Government Printer – Print Applied Technology.