



Guidelines of the Veterinary Practitioners Registration Board of Victoria Draft Version 1.0

**Submission from the Australian Veterinary
Association**

November 2019



The AVA

The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. Our 9,000 members come from all fields within the veterinary profession. Clinical practitioners work with companion animals, horses, livestock and wildlife. Government veterinarians work with animal health, public health and quarantine systems while other members work in industry for pharmaceutical and other commercial enterprises. We have members who work in research and teaching in a range of scientific disciplines. Veterinary students are also members of the Association. Additionally, the AVA has a range of special interest groups (SIGs), allowing members with shared interests or expertise to develop their practice and skills in a specific area.

Summary

The AVA welcomes the opportunity to comment on the draft version of the Guidelines of the Veterinary Practitioners Registration Board of Victoria (*draft guidelines*).

In this submission we have addressed the introduction section and each guideline and provided comment. We have also taken the opportunity to comment that we believe the ***Draft Guidelines of the Veterinary Practitioners Board of Victoria in Context*** should form the Guidelines – rather than the proposed ***Guidelines of the Veterinary Practitioners Registration Board of Victoria*** document. We have therefore based our comments on the more extensive document.

Overall, we think the proposed guidelines are fit for purpose to assist and support veterinary practitioners to deliver appropriate, effective services within an ethical framework.

Forming a sub-committee that does minor reviews annually and a major review every three years to ensure the guidelines are current is a recommendation we make and AVA would be pleased to provide a representative to serve on this sub-committee.

Guidelines Document/Context Document

AVA is of the understanding that the document ***Guidelines of the Veterinary Practitioners Registration Board of Victoria*** is intended to constitute the official guidelines and the document ***Draft Guidelines of the Veterinary Practitioners Board of Victoria in Context*** is intended to be a



supplementary document that provides detailed information about each guideline to be read in conjunction with the official **Guidelines**.

AVA believes this approach will be confusing to veterinary practitioners and that the **Draft Guidelines of the Veterinary Practitioners Board of Victoria in Context** document should be the official guidelines rather than the proposed **Guidelines of the Veterinary Practitioners Registration Board of Victoria** document. We believe the **Guidelines of the Veterinary Practitioners Registration Board of Victoria document** would be more suitable as an 'Executive Summary' as we think detail is required in the Guidelines which this does not achieve.

Clearly, both the Board and registered veterinary practitioners will need to rely on the detail in the **Draft Guidelines of the Veterinary Practitioners Board of Victoria in Context** document to determine what is deemed appropriate professional conduct and standards of practice. It is therefore important that this document forms the guidelines in the context of the relevant provisions of the Veterinary Practice Act 1997.

Introduction section

In point 2 of the primary purpose of the Guidelines, it is stated...to formally notify veterinary practitioners what the Board's **views** are as to what would constitute unprofessional conduct in various circumstances. The use of the word 'views' seems unsuitable for a regulatory body. The word 'expectations' would be more appropriate.

Recommendation: replace 'views' with 'expectations'.

Guideline 1 - Basic Principles of Professional Conduct

We are supportive of this section as it mirrors the majority of content of the AVA's *Member's Code of Professional Conduct* which we expect all of our members to observe. As one measure of appropriate professional conduct is that expected of a registered practitioner by his or her peers, we believe the AVA Code of Conduct is a highly relevant consideration. One improvement to this list would be to include a principle of courteous communication with colleagues and



members of the public, especially when social media and electronic communications are so common.

The Honesty and integrity principle specifically refers to Aboriginal and/or Torres Strait Islander Australians. With such a culturally diverse state and nation, we don't believe a group should be singled out over another. Removing the reference to Aboriginal and/or Torres Strait Islander Australians would achieve this.

Recommendations

'Ensuring communication in all forms with and about professional colleagues and members of the public is respectful and professional' be added to list of guiding principles.

Change sentence that includes 'Aboriginal and/or Torres Strait Islander Australians' to read - 'This includes clients from culturally and linguistically diverse backgrounds.'

Guideline 2 – Primary Concern is the Animal's Welfare

We are pleased that there is a dedicated guideline to animal welfare being a primary concern.

In the section 'Considering the welfare of animals' when referring to 'animals' in the first and second paragraphs of 2.1, we suggest that it should be replaced with 'animals under their care' to provide clarity, as only animals under their care form the veterinary practitioner's responsibility. This is also applicable in the first paragraph of 2.2.

In the section 'Knowledge of Animal Welfare Legislation', we suggest this heading should also incorporate codes and standards to ensure expectations are met.

In the section 'Carrying out Invasive Treatments', we believe this creates confusion with different terms being used over a series of paragraphs – surgical, invasive, non-surgical invasive. The distinction between some of these terms is unclear, and we believe this could be better clarified.

In the section 'Prohibited Procedures' we suggest inclusion of the acronym 'POCTA' in brackets where '*Prevention of Cruelty to Animals Act 1986*' is mentioned.



In the 'Prohibited Procedures' section, the third last paragraph states that '*..conduct may result in a finding of unprofessional conduct by the Board.*' A finding of guilt under POCTA is unprofessional conduct as defined in the Veterinary Practice Act 1997 so we believe this should be strengthened. A better term would be 'is likely to' rather than 'may.' We also think that the mention of imprisonment in this section would be better served by adding that this is pursuant to POCTA legislation.

In Section 2.6, the heading Vicarious liability is not appropriate. Many aspects of veterinary practice involve vicarious liability. We believe it would be more suitable for this heading to be 'Delegation to other persons'

Recommendations:

add 'under their care' following the word 'animal' in paragraphs 1 and 2 in the section 'Considering the welfare of animals' and in section 2.2 paragraph 1.

Replace section heading 'Knowledge of Animal Welfare Legislation' with 'Knowledge of Animal Welfare Legislation, Codes and Standards.

Clarify procedures, ie. surgical, non-surgical, non-surgical invasive in sections 2.3, 2.4 and section 'Carrying out of invasive treatments or procedures'.

Insert (POCTA) after *Prevention of Cruelty to Animals Act 1986*.

Replace '*..conduct may result in a finding of unprofessional conduct by the Board*' with '*..conduct is likely to result in a finding of unprofessional conduct by the Board*' in the third last paragraph of 'Prohibited procedures' section.

Insert 'imprisonment pursuant to the POCTA legislation' after the term 'imprisonment' in the third last paragraph of 'Prohibited procedures' section.

In section 2.6 replace heading of 'Vicarious liability' with 'Delegation to other persons'.



Guideline 3 – Obligation to provide treatment

In the first paragraph of ‘Obligation to provide treatment’ it states, ‘Veterinary practitioners must provide this care to fulfil the obligations under the POCTA’. We believe this could be strengthened to state ‘professional and legal obligations’ rather than ‘obligations’.

In the second paragraph of this section, grammatically the first sentence should state ‘whether or not’ rather than ‘whether’ when referring to the person presenting the animal.

In the third paragraph of this section, it refers to a client’s unwillingness to provide veterinary care. The client does not provide veterinary care – the veterinary practitioner does. This should be rephrased as to the unwillingness to consent to veterinary care.

In the second last paragraph of this section it refers to the safety of staff or the veterinary practitioner in treating that animal. In large animal practice there may be other persons assisting to treat that animal and therefore at risk, so we suggest expanding this to cover all persons involved.

In section 3.2 Obligation to provide non-emergency veterinary services, we suggest deleting the section that refers to a list of reasons as to why veterinary practitioners may be unwilling to provide treatment for animals unless the VPRBV are stating that these reasons are legitimate or are the only reasons.

In the FAQ section of this guideline we would like to see the inclusion of what is permitted and prohibited in regard to wildlife. For example, the Wildlife Act may prohibit the transport of wildlife in certain situations and also conditions and restrictions on the release of wildlife.

The FAQ referring to what a veterinary practitioner should do when presented with an animal species in distress that they are not familiar with treating, should state that euthanasia on welfare grounds is an option.

Recommendations:

Replace ‘obligations’ with ‘professional and legal obligations’ in first paragraph of section ‘Obligation to provide treatment’.



Replace 'whether' with 'whether or not' in second paragraph, first sentence of section 'Obligation to provide treatment'.

Replace '...a client's unwillingness to provide veterinary care' with '...a client's unwillingness to pay for veterinary care' in third paragraph of section 'Obligation to provide treatment'.

Replace the sentence '...risk to the safety of staff or the veterinary practitioner in treating that animal.' to '...risk to the veterinary practitioner, staff, owner/client or other persons attempting to treat that animal.' in second last paragraph of 'Obligation to provide treatment'.

Delete list of reasons in section 'Obligation to provide non-emergency veterinary services' unless the VPRBV accept that these are legitimate reasons to not provide treatment and that they are the only reasons.

Include FAQs in this section to address restrictions on treatment of wildlife.

Include euthanasia on welfare grounds as an option in the FAQ that relates to what a veterinary practitioner should do when presented with an animal species in distress that they are not familiar with treating.

Guideline 4 – Euthanasia of animals

In section 4.2 'Legal authority to euthanase under Prevention of Cruelty Animal Act', it refers to 'awaiting contact' with an owner when an animal is too badly injured or too ill to warrant prolonging its life. We believe grammatically it would be more suitable to state 'attempting contact'.

The last sentence in section 4.2 'Legal authority to euthanase under Prevention of Cruelty Animal Act' is not very prescriptive as it refers to 'as best as possible'. We believe it is important that sound medical records are made and kept by veterinary practitioners and could be strengthened.

In the section 'Establishing the authority of the person presenting an animal for euthanasia' it refers to consent to euthanasia should be obtained if the animal and client are unknown to the



veterinary practitioner. A consent to euthanasia should always be obtained – whether or not the client and/or animal is unknown to the veterinary practitioner.

In the FAQ ‘Is it OK for a veterinary practitioner to refuse to euthanase an animal?’ we think that it should be stated that veterinary practitioners may not refuse to euthanase an animal when it is necessary on humane grounds. When euthanasia is not necessary on humane grounds and the veterinary practitioner has a moral objection, we believe an ethical (rather than moral) objection should be stated to the client in addition to providing an option to the client to seek the service elsewhere. It should also be stated that affordability of treatment for the client is a legitimate reason for an owner to request euthanasia.

Recommendations:

Replace ‘awaiting contact’ with ‘attempting contact’ in third last paragraph of ‘Legal authority to euthanase under Prevention of Cruelty to Animals Act’.

Replace last sentence of section ‘Legal authority to euthanase under Prevention of Cruelty to Animals Act’ with ‘A detailed record should be kept identifying the animal, the circumstances and the reasons for euthanasia.’

Amend second last paragraph of section ‘Establishing the authority of the person presenting an animal for euthanasia’ to reflect that consent to euthanasia should always be obtained from the client.

Amend FAQ ‘Is it OK for a veterinary practitioner to refuse to euthanase an animal?’ to ‘Veterinary practitioners may not refuse to euthanase an animal when it is necessary to do so on welfare grounds. Veterinary practitioners may refuse to euthanase animals where it is not necessary on humane grounds if they have an ethical objection to doing so. In this case they must clearly state that ethical objection and give the client the clear option of seeking the service elsewhere at another practice, or refer the client to another veterinary practitioner who does not hold such an objection, either at the same practice or a practice located within a reasonable proximity from the initial practice. Once a client’s wishes are known, a veterinary practitioner must not attempt, or a pressure a client, to agree to further treatment. Affordability of treatment is a legitimate reason for an owner to request euthanasia.’



Guideline 5 – Veterinary Practitioner Health

We believe this section is adequate and only have a few grammatical recommendations.

Recommendations:

In the section ‘Veterinary practitioner’s own health’ amend bullet point 2 to ‘seeking expert, independent, objective advice when they need healthcare and being aware of the risks of trying to self-diagnose and self-treat’

In the section ‘Veterinary practitioner’s own health’ amend bullet point 4 to ‘recognising the impact of fatigue on their health and their ability to care for patients and clients; and endeavouring to facilitate safe working hours whenever possible’

In the section ‘Veterinary practitioner’s own health’ replace second last paragraph with ‘If a practitioner knows or suspects that they have a health condition or impairment that could adversely affect judgement or performance, they should obtain advice about whether and in what ways they may need to modify their practice and follow that advice.’

Guideline 6 – Obligation to report

In the section ‘Obligation to report’ it refers to the relevant authority to report giving RSPCA as an example. We suggest that Agriculture Victoria should also be stated as a relevant contact and make the differentiation between companion animals, livestock and wildlife.

The FAQ ‘What should a veterinary practitioner do if they believe an animal is dangerous and this risk is not being adequately addressed by the owner?’ seems to be referring to dogs – as it mentions local council powers in relation to dangerous dogs. If this is the case, it may be more suitable to change the FAQ to refer to dogs rather than animals.

The FAQ ‘What are some of the situations where a veterinary practitioner may be considered to have an obligation to report to authorities’ covers only welfare related situations as the following FAQ covers situations outside animal welfare concerns so we suggest amending the FAQ to reflect this.



We would like to suggest an FAQ to cover the obligation to report notifiable diseases to the relevant agency and also an FAQ on obligation to report an animal to the relevant agency if suspected that animal is illegally imported.

Recommendations:

In the section 'Obligation to report' expand section to advise that companion animal matters be reported to RSPCA and that livestock and wildlife matters are reported to Agriculture Victoria.

The FAQ in the section 'Veterinary practitioner's own health' amend bullet point 4 to 'recognising the impact of fatigue on their health and their ability to care for patients and clients; and endeavouring to facilitate safe working hours whenever possible'

Amend FAQ to 'What should a veterinary practitioner do if they believe an animal is dangerous and this risk is not being adequately addressed by the owner?' to 'What should a veterinary practitioner do if they believe a dog is dangerous and this risk is not being adequately addressed by the owner?'

Amend FAQ 'What are some of the situations where a veterinary practitioner may be considered to have an obligation to report to authorities' to 'What are some of the welfare-related situations where a veterinary practitioner may be considered to have an obligation to report to authorities'.

Add an FAQ on obligation to report notifiable diseases in this section.

Add an FAQ on obligation to report suspected illegally imported animal.

Guideline 7 – Obligation to keep informed and abide by statutory obligations

The guidelines are largely silent on a veterinary practitioner's important obligation to report suspicion or confirmation of a notifiable disease. This should be included in the bullet point listing under the section of 'Statutory obligations' – possibly expanded the bullet point of biosecurity.



Recommendations:

In section 'Statutory obligations' replace bullet point 'biosecurity' with 'biosecurity and notifiable diseases'

Guideline 8 – Working within areas of competence and limitations

We suggest that section 8.2 should include a reference to section 10.4 due to the correlation between employees and employers.

Recommendation:

Add reference to section 10.4 to section 8.2.

Guideline 9 – Continuing professional development

We believe this section is adequate and have no comments.

Guideline 10 – Employing and supervising veterinary practitioners

In section 10.1, it states that employers must ensure employed veterinary practitioners hold current registration that is recognised in Victoria. If this is required annually it should be stated as such, ie. if a veterinary practitioner fails to renew registration, is an employer liable if the veterinary practitioner was certified when hired?

The support, guidance and assistance that an employer should offer to veterinary practitioners in their employment (section 10.2) should mention that this support, guidance and assistance is heightened when employing veterinary practitioners that are recent graduates, inexperienced or those returning to clinical practice after extended absences.



With the veterinary profession having an extremely high proportion of females, many females have extended absences to have children and to care for children. We believe it important to reflect this section of the workforce in addition to 'new graduates' or 'inexperienced veterinary practitioners' in section 'Employment of inexperienced veterinary practitioners'.

Recommendation:

In section 10.1, if an employer is required to verify annually that an employee veterinary practitioner's registration is valid, it should be amended to reflect this.

Expand section 10.2 to 'Employers should provide appropriate support, guidance and assistance to the veterinary practitioners in their employment. Considerations should be made that appropriate levels of support, guidance and assistance can be achieved when employing veterinary practitioners that are recent graduates, inexperienced or those returning to practice after extended absences.'

Amend first sentence of section 'Employment of inexperienced veterinary practitioners' to 'Not all practices will have the resources to properly support a new graduate, inexperienced veterinary practitioner or a veterinary practitioner returning to practice after an extended absence.'

Guideline 11 – Communication

In section 11.5 'The need to discuss options for treatment with the client' we would suggest adding that a veterinary practitioner must accept the owner/clients right to choose a treatment option, including the option of euthanasia.

In section 11.9, we suggest that euthanasia is stated as an option to ensure that this option is communicated to clients.

In section 'Discussing necropsy when unexplained or unexpected death of an animal occurs under veterinary care' a hyperlink to the conflict of interest section is suggested.



The AVA fields many calls from veterinary clinics about client's refusal or inability to pay for services performed. We recommend that a section be added to advise what a veterinarian's course of action can be if this occurs, ie. can they hold the animal?

Recommendation:

Insert a sentence in section 11.5 'The need to discuss options for treatment with the client' that states that a veterinary practitioner must accept the owner/clients right to choose a treatment option, including the option of euthanasia.

In section 11.9 replace bullet point 3 with 'decline or chose an alternative course of action to the one recommended by the veterinary practitioner, including euthanasia, provided the animal's welfare is not compromised.'

Hyperlink the wording 'conflict of interest' in the section 'Discussing necropsy when unexplained or unexpected death of an animal occurs under veterinary care'

Insert a section that advises the action a veterinarian can take when a client refuses or is unable to pay for services performed.

Guideline 12 – Conflict of interest

We believe this section is adequate and have no comments.

Guideline 13 – Incitement and inducements to commit unprofessional conduct

A suggested grammatical amendment to section 13.2 is that it reflects veterinary practitioners must not seek or accept inducements that influence their treatment, referral and sales decisions as it reads currently they cannot seek and accept and those two actions are not exclusive.



Recommendation:

Amend section 13.2 to 'Veterinary practitioners must not seek and/or accept inducements that influence their treatment, referral and sales decisions.'

Guideline 14 – Veterinary premises, equipment and assistance or support used in the provision of veterinary services

We suggest that section 14.4 include that veterinary facilities provide a means for clients and the public to contact the practice, ie. telephone, email.

Recommendation:

In section 14.4 add a provision of communication means for clients and the public to contact the practice.

Guideline 15 – Biosecurity and infection control

In the section 'Minimising biosecurity risks when visiting properties (including food production species and horses), it states that 'inadvertent spread of notifiable or emergency animal diseases (eg. Foot and mouth disease) by veterinary practitioners could have dire consequences for the agricultural community.' Any animal disease (not only notifiable or emergency) could also have consequences for a veterinary practitioner, including exposing them to litigation. We believe this should be so revised.

In section 15.2 'Zoonotic Diseases' states that zoonoses are diseases which can be transmitted to humans or other animals from animals. Diseases only spread from animals to animals are not zoonoses.



Recommendation:

Amend second last sentence of section ‘Minimising biosecurity risks when visiting properties (including food production species and horses) to ‘Inadvertent spread of animal diseases by veterinary practitioners could have dire consequences for the agricultural community and may expose veterinary practitioners to litigation.’

Delete ‘or other animals’ from first sentence of section 15.2 Zoonotic diseases.

Guideline 16 – Supply and use of medications

In the section ‘Legislation about supply and use of scheduled medicines and veterinary chemical products’ it states that failure of veterinary practitioners to comply with their legal obligations may result in a complaint being made to the Board. We would suggest amending the wording to reflect that it may result in action by the Board, rather than a complaint may be made.

The second last paragraph of the section ‘Legislation about supply and use of scheduled medicines and veterinary chemical products’ it states that acting contrary to the requirements of either Act may be found to constitute unprofessional conduct, whether or not a prosecution is made under that legislation. If a prosecution is made, a finding of guilt for an offence as a veterinary practitioner under any Act or Regulation is unprofessional conduct as defined in the Veterinary Practitioners Act 1997. This should be advised in this section.

Recommendation:

Amend third last paragraph in section ‘Legislation about supply and use of scheduled medicines and veterinary chemical products’ to ‘Veterinary practitioners should note that failure to comply with their legal obligations under the *Drugs Poisons and Controlled Substances Act 1981* or the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* or their associated regulations may result in action by the Board and/or prosecution under that legislation.’



Amend second last paragraph in section ‘Legislation about supply and use of scheduled medicines and veterinary chemical products’ to ‘Acting contrary to the requirements of the *Drugs Poisons and Controlled Substances Act 1981* or the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* may constitute unprofessional conduct, whether or not a prosecution is made under that legislation. If a veterinary practitioner is prosecuted and found guilty under any Act or Regulation, this is defined as unprofessional conduct pursuant to the *Veterinary Practice Act 1997*.’

Guideline 17 – Continuing care after-hours

We suggest a grammatical change to the second paragraph in ‘Provision of after-hours care for patients’ so that the redirection of services is agreed.

Recommendation:

Amend second paragraph in section ‘Provision of after-hours care for patients’ to ‘It is expected that all veterinary businesses that provide a clinical service to the public should make provision for after-hours service, whether that be by making a veterinary practitioner available to provide direct after-hours service or facilitating agreed redirection arrangements with an alternative veterinary practitioner who is located within a reasonable proximity.’

Guideline 18 – After-hours hospitalisation of patients

We believe this section is adequate and have no comments.

Guideline 19 – Emergency animal hospitals

We believe this section is adequate and have no comments.



Guideline 20 – Veterinary medical records

We believe this section is adequate and have no comments.

Guideline 21 – Certification

We believe this section is adequate and have no comments.

Guideline 22 – Referrals, second opinions, registered specialists and specialist practices

We believe this section is adequate and have no comments.

Guideline 23 – Providing veterinary services across borders and to remote clients

The AVA disagrees that veterinary practitioners cannot or must not make a diagnosis or recommend treatment actions using remote visual telecommunication means. This represents and on overly conservative and outdated approach to the use of contemporary electronic audio-visual technology.

Recommendation:

Delete the last paragraph in section 23.3 'Telemedicine Services' that starts with 'Veterinary practitioners are allowed to use telemedicine to:'

AVA Contact

- Ms Susan Chandler – Senior Advocacy Officer
M: 0418 990 338 E: susan.chandler@ava.com.au