



In Short

Referral situations

In its last newsbrief the Council invited comment on its proposal to change section 7.2 of the Code (i.e. to remove the preference for the referral veterinarian to examine an animal in the presence of the original veterinarian). The Council will make a decision on whether to make this change at its May meeting.

Testimonials

The Council also invited comment on a proposal to amend section 5.9 of the Code to remove the reference to the NZVA being the body most proper to comment on beneficial products (this occurs infrequently). Again, the Council will make a decision on whether to make this change at its May meeting.

Recommendation on change to prescribing code

The Council has agreed with a New Zealand Food Safety Authority proposal that a change be made to the prescribing code to allow for a 12 month prescription time (rather than a six month prescription period) as this is a more accurate reflection of the reality in practice.

Practising year underway

The new practising year began on 1 April. The first batch of practising cards were sent out in late March and the second set will be posted before this Newsbrief arrives. If you have not received your practising certificate, please contact the Council. The Council is hoping to produce the Handbook earlier and so aims to close off the Register as at 30th April 2007 for printing of the handbook. The online register is regularly updated, and shows those whose practising certificates are current. It is used regularly by veterinarians, industry businesses and members of the public to check a veterinarian's registration and practising status.

Proposed minimum standards

In the December 2006 Newsbrief the Council advertised the proposed minimum standards for practising as a veterinarian, which included the requirement to provide a fitness to practise certificate when applying for registration or a practising certificate, the proposed rule relating to recency of practice and the proposed requirement for veterinarians to record and inform the Council of their professional development activity. Comments were sought, and responses were evenly divided for and against mandatory CPD (although the Council is only proposing mandatory reporting of CPD not mandatory CPD itself). The Council will make a final decision on this at its May meeting and will advise veterinarians of its decision in the next Newsbrief.

Election year

A reminder that 2007 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 for the Council, then take note that nominations will be called for in the July Newsbrief. The election day has been set at 22 November.



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Council & Committees

The Chairperson and Deputy Chairperson of the Council were elected at the Council meeting on 1 March 2007, and Committee appointments were made:

Chairperson: Ron Gibson
Deputy Chairperson: Norm Williamson

Other Council members are Julie Wagner, Jim Edwards, Barbara Benson, Penny Mudford and Grahame Joyce.

Registration Committee

Norm Williamson (Chairperson), Sandra Forsyth, Paul Wiseman, Chris Mawson, Katja Geschke. Subsequent to the meeting Ian Mayhew was also appointed to the Registration Committee.

Professional Standards Committee

Julie Wagner (Chairperson), Ron Gibson, Murray Gibb, Tony Zohrab, Penny Mudford

Competence Assessment Review Committee

Jim Edwards (Chairperson), Patrick Poletti, Greg Bartlett, Ian St George, Barbara Benson

Health Committee

Julie Wagner (Chairperson), Ron Gibson
Tom Flewett will act in a consultant role for this committee.

Complaints Assessment Committee

Nick Twyford (Chairperson), Grahame Joyce, Mary Mountier
Where a member of the committee declares a conflict of interest or cannot attend, the following may be appointed:
Rob Crozier, Patrick Poletti, Tim Brown, Seton Butler
The Council may appoint other members when required.

Finance and Administration Committee

Jim Edwards (Chairperson), Ron Gibson, John O'Flaherty

Judicial Committee

John Morrison appointed as Barrister/solicitor on the Committee.
Other members of this committee will be appointed as required for each hearing.

Other appointments were Norm Williamson who was appointed as the Council's representative on the Veterinary Schools Accreditation Advisory Committee (the Committee that assesses schools in Australasia) as well as on the Advisory Committee on the Registration of Veterinary Specialists (a similar committee which assesses applications for specialist registration in Australasia). Sandra Forsyth was reappointed Chief Examiner for the NZNVE.

Harry Dewes

At its Council meeting in March the Council acknowledged the death of Henry (Harry) Dewes BVMSc Sydney 1950, DipAgr, FACVSc. Dr Dewes had held registration with the Council since 1951. He has

been most aptly farewelled by his friend Neil Bruere in Vetscript. The Council also acknowledges Dr Dewes' contribution to the veterinary profession as a member of the Veterinary Surgeons Board through the 1980s.

Complaint Report

As of the 22nd February five complaints have been received for 2007. Three are proceeding in the initial stages of correspondence, the other two are in the initial stages of consideration by the committee. There are currently two Complaints Assessment Committees active.

There were 45 complaints in 2006 altogether. Fourteen of those 2006 complaints were carried forward into 2007. Six of those have now been completed. Four are still being investigated. Three 2006 complaints are on hold, two because of the CAC making a referral to the health committee. One 2006 complaint is at mediation.

Thirty seven of the 45 complaints received in 2006 complaints are now closed, four did not reach the threshold to investigate, three were withdrawn by the complainant. For 20 complaint investigations the outcome was decided based on the initial letters, in eight further information was sought, in two complaint investigations the parties were interviewed. Nine of the 2006 complaints to the committee were referred from Council under section 39 of the Act.

CAC Advice - Cosmetic Surgery

The Council was consulted on a case where the owner of a breed show dog asked the veterinarian to arrange orthodontic work to realign a tooth so that the dog would look better for the competition. The veterinarian was considering their responsibility under Section 1.9 of the Code of Conduct which states that veterinarians should not undertake surgery for purely cosmetic purposes.

Intervention to manage the effect of orthodontic problems is reasonably common in practice, but usually teeth are extracted because the orthodontic treatments are relatively expensive. It is easy to justify treatment in many cases because the abnormality affects normal function or predisposes to health problems.

This situation raises the ethical question of the veterinarian being party to an owner attempting to 'cheat'. The orthodontic correction of inherited or congenital dental problems can have the effect of masking those genetic deficiencies. If genetically defective dogs are then used for breeding the genetic problems can be propagated through successive generations. Success in the show ring will increase the chances of the dog being used for breeding. Where it is considered justifiable to correct a problem thought to have a genetic basis, the

In four of the closed 2006 complaints, the CAC has received written negative feedback from dissatisfied complainants who are unhappy about the outcome or decision of the investigation.

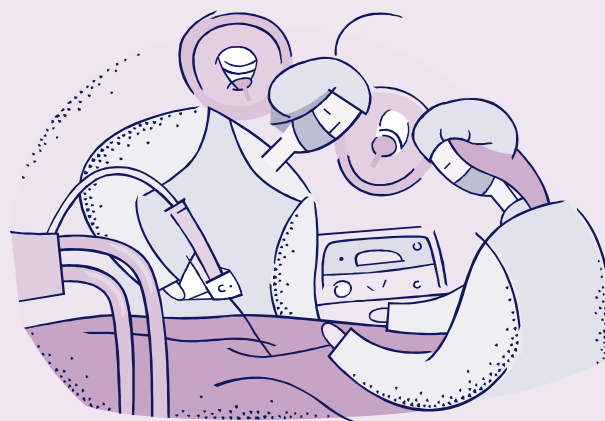
Twenty-nine of the 45 (65%) 2006 complaints related to companion animals. Three complaints were about horses. Eight included issues that did not directly involve animal treatment. Seven were initiated by one veterinarian against another.

From one of the 2006 complaints, the veterinarian has been charged with professional misconduct. The hearing has been held but the final decision and period of appeal have yet to be completed.

Mediation has been offered in two of the 2006 complaints to date. One of those is now completed while one is still underway.

procedure should be coupled with desexing. That is also the advice of the NZVA which has developed policy in this area.

It is difficult to know with displaced teeth if there is a genetic basis, however a conservative approach is best and unless an identified environmental effect is known to have caused the problem (eg trauma), then one assumes the condition is congenital and possibly inherited. Where a dog's owner makes it clear that the reason the procedure is being requested is only to enhance the dog's performance in the show ring, a veterinarian has an ethical obligation to decline to proceed.



CAC Advice - Product Marketing

It is well recognised that enhancement of business relationships is an extremely important determinant of business success. Many companies that supply veterinary practices recognise the importance of relationships with the clinics they supply and work to actively enhance these relationships.

These efforts are manifest in many ways including facilitation of product and practice marketing, provision of continuing professional development opportunities, beneficial credit arrangements, provision of equipment, training of support staff, and provision of social opportunities for veterinary colleagues to network and catch up with old friends, often with generous hospitality.

In many cases the resources expended by companies to develop and enhance these relationships are substantial so there may be a desire by veterinarians to reciprocate the goodwill and enhance the mutual benefit of the relationship.

However, a desire to nurture a relationship with a company may conflict with veterinary ethical considerations. The CAC has had to consider several cases recently where this conflict has caused difficulties, particularly in the area of product endorsements.

Therefore, the CAC wishes to draw the profession's attention to the ethical considerations of product endorsement. Primarily, Section 5.9 of the Code counsels against providing endorsements as marketers focus on the term "Veterinarian" and the implicit connotation of

trust and integrity that they wish to associate with their product rather than any inherent marketability of an individual veterinarian.

Section 5.2 places the onus of responsibility for the ethical considerations onto the veterinarian. Be aware that you may not have editorial rights over articles that appear in the media so careful consideration must be given to statements that you make. Furthermore, if the product that you are associated with is a PAR then you also have a responsibility under the Code to ensure that the promotional material complies with the requirements of the ACVM Act (ACVM Standard for PAR Veterinary Medicines).

The Veterinarians Act (2005) reserves the title of "veterinarian" primarily to protect society from the activities of unqualified or incompetent people. But at the same time this conveys privileges on those entitled to call themselves "veterinarians". These privileges come with the responsibility to display high standards of conduct and integrity with respect to the public interest that transcend the promotion of business relationships.

The public interest expectations of ethical conduct are that veterinarians will be impartial, discerning and unbiased in their selection or recommendation of any animal remedy such that it is efficacious, safe and appropriate to the particular condition. Hence, association with any company's promotional material must not give rise to a view that these ethical principles are compromised.

Council Advice - Treating a possum



A veterinarian was asked to desex a possum, and rang the Council for advice. The veterinarian's reluctance to undertake such a procedure was based on sound underlying reasons.

The Wild Animal Control Act defines possums as a wild animal, making them all the property of the Crown and allowing for hunting and killing of the animals. Under section 12(5) of this act no person can "Capture or convey or keep in captivity any thar, chamois, possum, or wallaby" without a permit issued by the Director-General of the Department of Conservation have in their possession any wild animal. Similarly no-one can liberate any wild animal or let it go at large. Liberating them could bring a fine of up to \$50,000 and keeping one can result in a fine up to \$1000. In such cases the animal owner should be advised that they are breaching the law and if the veterinarian was to treat the animal and return it to the owner then they would also be in breach. There are good environmental and animal health reasons why possums are classified as wild animals and as pests. Desexing the animals would not stop them carrying or transmitting tuberculosis, nor will it stop them destroying native flora and fauna.

The Register of Veterinarians

As at 31 December 2006 2303 people had full practising certification with the Veterinary Council of New Zealand. 1011 of these were female and 1292 male. A further 68 people held provisional registration (largely recent Massey graduates) – 13 of these were male, and 55 female, and 321 people retained non practising status on the Register at the end of the calendar year.

Provisional registration is a form of registration which allows a person to practise as a veterinarian in between Council meetings (when registrations are approved by the Council). Non-practising status is held by people who are retired, working overseas, on maternity leave or not currently practising, but who wish to have their name retained on the current Register of Veterinarians.

	Practising Certification	Provisional Registration	Non practising status
2006	2303	68	321
2005	2243	40	345
2004	2175	24	364

Email Distribution

Many veterinarians have forwarded to the Council an email distributed around the profession under various names and email addresses. The anonymous writer purports to be a veterinarian, and expresses concern about individuals and Council processes. The names used by the distributor do not match any registered veterinarian in New Zealand. The Veterinary Council has received advice that a number of the statements made by the anonymous person are defamatory.

The writer appears to have linked unrelated information to his or her view of the Veterinary Council. In linking this unrelated information, he or she has referred to Court action. Like other registration and complaints authorities, it is not unusual for the Council's decisions to be tested in the District or High Courts. Indeed it is appropriate, as it is a right given to those who disagree with the decisions. In the last six years there have been five Court cases challenging Council decisions, undertaken by four individuals. One followed a disciplinary finding, three followed the laying of charges by the CAC, and one followed a decision to reject an application for registration. In the earliest case (arising from a complaint received some years earlier) the decision of the Judicial Committee was overturned by the Court. In three of the other Court hearings the appellant's case was dismissed and the Council's actions upheld, and in one case the CAC and the veterinarian came to an agreement at the hearing.

The writer also criticises the judicial structure of the Council. This structure is set by statute and, as many veterinarians will know, was modified in the Veterinarians Act 2005 so that it included a barrister of not less than seven years experience. This barrister

chaired the most recent judicial hearing (which is not yet able to be reported on). At the recent hearing, as per the Act, only one of the members of the Judicial Committee was a Council member.

Running a complaints process is not easy. The person being complained of is unhappy to be involved in the process, and the complainant may be disappointed if the outcome does not meet their expectations. An adversarial element can develop during a complaints process, and the parties are not always willing to take part in mediation (nor is it always appropriate). The Council and the Complaints Assessment Committee are strongly committed to providing a process that is fair and as transparent as possible, where the rights of both the veterinarian and the complainant are respected. To this end, they frequently seek legal advice to ensure that their decisions are in accordance with the rules of natural justice.

It is unfair that Council, Committee members and staff have to defend themselves against anonymous defamatory comments. The writer of the email has made claims which are simply false, regarding the Chair of the Veterinary Council, Dr Gibson, and Dr Nick Twyford, the Chair of the Complaints Assessment Committee.

Should members of the profession have specific questions about the complaints or disciplinary processes, then they are welcome to contact the Council's Registrar.

Julie Haggie
Registrar

Prescription Animal Remedy Traders Review



To ascertain the level of understanding and compliance by traders of prescription animal remedies (PARs) with the ACVM Standard for Prescription Animal Remedy Veterinary Medicines and ACVM Expectations for Approved Traders of PAR Products, the Approvals and ACVM Group Director commissioned the New Zealand Food Safety Authority's (NZFSA) Compliance and Investigation Group (CIG) to carry out a review.

Following consultation with NZVA and VCNZ, it was decided to focus on veterinary practices because non-veterinary traders are audited on entry to the approved trader list and registrants and manufacturers wishing to sell PARs to end users are audited as part of their good manufacturing practice (GMP) audits.

Twelve randomly selected veterinary practices were examined in June 2006. The sample covered a range of practice types in New Zealand but was weighted to emphasise areas of particular interest, i.e. where greatest volume of PAR trading occurs and/or where issues relating to food safety and risk to trade might occur. In the case of mixed practices, only the area of the selection

category was inspected. The review examined quality systems, transportation, receipt and storage, dispensing, training and documentation.

The review noted general compliance with the ACVM Standard for Prescription Animal Remedy Medicines, with some exceptions, such as lack of written procedures, insufficient documentation, insufficient client training and the ability to reconcile PAR II & III supplies. Recommendations arising from the review were:

- a) consideration be given to extending the current 6 month limitation on prescription supply as defined in the Code Registered Veterinarians Writing Prescriptions for Prescription Medicines and Prescription Animal Remedies section D 1. (b). This clause states, "A veterinarian shall not prescribe for any animal(s) under his/her care a quantity of a prescription that exceeds 6 months supply". This time limit could be altered and extended to 12 months duration under dairy and sheep/beef PAR trading circumstances.
- b) Client training - That further assessment be made of the effectiveness of the instruction and training provided by veterinarians to authorised clients who buy, hold and use PARs. Further, that this include:
 - documents and records held by persons specified as authorised to buy, hold and use PARs be reviewed;
 - PAR labelling compliance, traceability and security at the site of use of PAR on farms;
 - on farm verification of the above.



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New Zealand National Veterinary Examinations— December results

Five people sat the New Zealand National Veterinary Examination in December 2006, and all five passed. This takes to 56 the number who have successfully completed the Council's examinations since 1996. The candidates who passed received their primary veterinary degree in Germany, Czechoslovakia, Austria, and Jordan.



ATTENTION: MAF-APPROVED VETERINARIANS (TO CERTIFY DOGS AND CATS TO AUSTRALIA)

Dogs that have not been continuously resident in New Zealand since birth or since importation from Australia will now require testing for Leishmania species prior to export to Australia.

Consequently, the export certificate for dogs and cats to Australia has been updated to include the following:

- 4 iii) the dog was tested for Leishmania species within 30 days prior to export by an indirect fluorescent antibody test (IFAT) or an enzyme linked immunosorbent assay (ELISA), with negative test results.

All samples are to be sent to IDC (Investigation and Diagnostic Centre, Wallaceville). IDC will prepare the samples for submission to an Australian reference laboratory. Results of this testing may take two to three weeks. For further enquiries regarding this testing, please contact IDC on 04 526 5600.

This new export condition came into effect on 1st March 2007. Therefore, dogs scheduled to be exported from 1 March 2007 onwards will require Leishmania species testing prior to export and will be required to be accompanied by the latest version of the Export Certificate for Dogs and Cats to Australia dated 20 November 2006.

Old export certificates should be returned (with details of the serial numbers of the returned certificates, the number to be replaced and the name and address of the veterinary practice) to:

Jenine Connolly,
AgriQuality Limited,
Private Bag 3080,
Hamilton.

AgriQuality will replace these with the latest version of the Export Certificate for Dogs and Cats to Australia.

For any further information, please contact Wendy Newsham, Exports Group, Biosecurity New Zealand, Ministry of Agriculture and Forestry, ph: 04 894 0513, fax: 04 894 0731, email: wendy.newsham@maf.govt.nz

Yours sincerely,
Karen Sparrow
Manager Exports
Preclearance Directorate
Biosecurity New Zealand
Ministry of Agriculture and Forestry

Government Notices



MAF Animal Welfare Hotline

Practising veterinarians in New Zealand will receive a fridge magnet enclosed with this copy of the newsletter. The magnet includes the MAF Animal Welfare Hotline telephone number. This number will connect you to the co-ordinator for the MAF Compliance and Enforcement Group (CEG). You will be given advice over the telephone, or your call referred to an inspector warranted by MAF under the Animal Welfare Act 1999. Inspectors investigate animal welfare concerns reported by members of the public, including veterinarians. They may be employed by MAF, CEG or the New Zealand Food Safety Authority (NZFSA) Verification Agency or come from an organisation approved under the Animal Welfare Act, such as the SPCA.

For veterinarians, the concern 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, are believed to have compromised welfare or be suffering unreasonable or unnecessary pain or distress.

Animal Welfare Inspectors 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.

The graphic features the MAF logo on the left. To its right, the text 'Animal Welfare Complaint Hotline' is written in a dark blue, sans-serif font. Below this, a dark blue rectangular box contains the text 'To report cases of animal ill-treatment or cruelty please phone' in white, followed by the phone number '0800 327 027' in a large, bold, white font.