

1995—No. 530

VETERINARY SURGEONS ACT 1986—REGULATION

(Veterinary Surgeons Regulation 1995)

NEW SOUTH WALES



[Published in Gazette No. 105 of 1 September 1995]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Veterinary Surgeons Act 1986, has been pleased to make the Regulation set forth hereunder.

RICHARD SANDERSON AMERY, M.P.,
Minister for Agriculture.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Veterinary Surgeons Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. (1) In this Regulation:

“**approved**” means approved for the time being in writing by the Board;

“**professional conduct code**” means the veterinary surgeons’ code of professional conduct set out in Schedule 1;

“**the Act**” means the Veterinary Surgeons Act 1986;

“**veterinary surgeon**” means a registered veterinary surgeon;

“**week**” means the period of 7 days beginning on a Sunday.

(2) References to forms are references to forms in Schedule 4.

Note. References in this Regulation to the Board are references to the Board of Veterinary Surgeons of New South Wales. (See section 3 (1) of the Act.) Other expressions used in this Regulation that are defined in the Act are “Investigating Committee”, “practise”, “register of specialists”, “register of veterinary surgeons”, “Registrar”, “veterinary hospital” and “veterinary science”.

PART 2—VETERINARY SURGEONS

Declaration by veterinary surgeon as to conduct to be observed

4. The declaration required to be made by an applicant for registration as a veterinary surgeon under section 11 (b) of the Act is a declaration in writing in Form 1.

Prescribed universities and colleges: full registration

5. For the purposes of section 12 (1) (a) of the Act, the following universities and colleges are prescribed:

(a) *In Australia:*

University of Sydney;
University of Melbourne;
University of Queensland;
Murdoch University, Western Australia;

(b) *In New Zealand:*

Massey University;

(c) *In the United Kingdom:*

University of Bristol;
University of Cambridge;
University of Liverpool;
Royal Veterinary College, London;
University of Edinburgh;
University of Glasgow.

Note. Section 12 of the Act deals with full registration of veterinary surgeons.

Examination: full registration

6. For the purposes of section 12 (1) (b) (ii) and (4) (c) of the Act, the examination to be passed by an applicant for registration under section 12 of the Act is the examination in veterinary science set by the examining committee of the National Office of Overseas Skills Recognition.

Note. Section 12 of the Act deals with full registration of veterinary surgeons.

Branches of veterinary science in which person can be registered as specialist

7. (1) For the purposes of section 15 of the Act, the specialist branches of veterinary science are as follows:

- (a) veterinary anaesthesiology;
- (b) veterinary medicine;
- (c) veterinary ophthalmology;
- (d) veterinary pathobiology;
- (e) veterinary radiology;
- (f) veterinary reproduction;
- (g) veterinary surgery.

(2) There are also for those purposes separate branches of:

- (a) veterinary medicine; and
- (b) veterinary pathobiology; and
- (c) veterinary reproduction; and
- (d) veterinary surgery,

for any particular class of animal species or animal organ system.

(3) The prerequisites for registration of an applicant as a specialist in a branch of veterinary science are:

- (a) practice in the relevant specialist branch for such period as the Board considers appropriate; or
- (b) completion of an approved course of post-graduate study and a pass in an approved examination in the specialist branch concerned; or
- (c) completion of such other post-graduate training, teaching, instruction or experience in the specialist branch concerned as the Board considers appropriate.

Board can issue duplicate certificate of registration

8. The Board may issue a duplicate certificate of registration to a veterinary surgeon if satisfied that the surgeon's certificate has been lost, damaged or destroyed.

Additional particulars to be entered in register

9. The following additional particulars must be entered in the register of veterinary surgeons in accordance with section 8 (3) of the Act and in the register of specialists in accordance with section 9 (2) of the Act:

- (a) the number of any certificate issued by the Board;
- (b) the date of issue of any such certificate.

Notes. Section 8 of the Act requires the Board to keep a register of veterinary surgeons.

Section 9 of the Act requires the Board to keep a register of specialists.

Veterinary surgeons' code of professional conduct

10. (1) For the purposes of section 23 of the Act, the veterinary surgeons' code of professional conduct are the rules set out in Schedule 1.

(2) For the purposes of section 22 (c) of the Act, breaches of the following provisions of the professional conduct code are misconduct in a professional respect:

- rule 2;
- rule 3 (1);
- rule 4;
- rule 5 (1)–(5) and (9)–(12);
- rule 6;
- rule 8.

Notes. Section 23 of the Act enables regulations to be made under the Act for the establishment of a veterinary surgeons' code of professional conduct.

Section 22 of the Act defines certain actions of a veterinary surgeon as constituting "misconduct in a professional respect".

Maximum amount of costs that may be awarded against veterinary surgeon

11. For the purposes of section 28 (1) (b) (ii) of the Act, the prescribed costs are the costs of, or incidental to, investigating a complaint against a veterinary surgeon, as determined by the Investigating Committee, but not exceeding \$3,000.

Note. Section 28 of the Act specifies powers that the Veterinary Surgeons Investigating Committee has when investigating a complaint.

Offence for veterinary surgeon to permit use of surgeon's name

12. A veterinary surgeon must not:

- (a) permit his or her name to be used; or
- (b) do or permit any other thing,

for the purpose of enabling an unregistered person to pass himself or herself off as a veterinary surgeon or to practise veterinary science.

Maximum penalty: 10 penalty units.

Veterinary surgeons to notify change of address

13. A veterinary surgeon must, within 14 days after changing his or her residential address or the place at which the veterinary surgeon practises, notify the Board in writing of that change.

Maximum penalty: 1 penalty unit.

Requests for permission to practise as veterinary surgeon to be in writing

14. A request for the Board's permission to practise veterinary science under section 39 (1) (f) of the Act must be made by the veterinary surgeon in writing addressed to the Registrar.

PART 3—VETERINARY HOSPITALS**Veterinary hospitals: exemption of certain places**

15. The following classes of places are exempted from the definition of "veterinary hospital" in section 3 (1) of the Act:

- (a) places used exclusively for the handling, examination and treatment of equine, ovine, porcine or bovine animals;
- (b) places used for animal research exclusively in accordance with the Animal Research Act 1985.

Classes of licences for veterinary hospitals

16. (1) In accordance with section 47 of the Act, the following classes of licences and of veterinary hospitals are continued:

- (a) class A veterinary hospitals;
- (b) class B veterinary hospitals;
- (c) class C veterinary hospitals.

(2) A class A veterinary hospital is a hospital:

- (a) that, subject to this Regulation, is unrestricted as to the procedures that may be carried out at the hospital and the animals that may be accommodated there; and
- (b) at which emergency veterinary care is provided.

(3) A class B veterinary hospital is a veterinary clinic that, subject to this Regulation, is unrestricted as to the procedures that may be carried out at that clinic, but at which not more than 20 animals may be accommodated at any one time.

(4) A class C veterinary hospital is a veterinary surgery at which, subject to this Regulation, surgical procedures and the accommodation of animals are not permitted.

Note. Section 47 of the Act authorises the regulations to prescribe different classes of licences for different classes of veterinary hospitals.

Minimum standards for veterinary hospitals

17. (1) For the purposes of sections 49 (2) (b) and 52 (1) (d) of the Act:

- (a) the minimum standard prescribed for a class A veterinary hospital is the standard not lower than the standards specified in Parts 1–3 of Schedule 2; and
- (b) the minimum standard prescribed for a class B veterinary hospital is the standard not lower than the standards specified in Parts 1, 2 and 4 of Schedule 2; and
- (c) the minimum standard prescribed for a class C veterinary hospital is the standard not lower than the standards specified in Parts 1 and 5 of Schedule 2.

(2) A veterinary hospital of a class is taken to comply with the minimum standard prescribed for a veterinary hospital of that class even though it has in fact not complied with that standard, but only if the Board decides that the non-compliance should be disregarded because it is only minor.

Note. Section 49 of the Act authorises the Director-General of the Department of Agriculture to issue or refuse to issue a licence for a veterinary hospital.

Section 52 of the Act specifies the circumstances in which the Director-General of that Department can suspend or cancel a licence for a veterinary hospital.

Minimum staff for veterinary hospital where elective surgery performed

18. For the purposes of section 52 (1) (e) of the Act, the minimum number of staff to be employed at class A or class B veterinary hospital, while elective surgery is being performed, is 2 persons with appropriate ability, of whom at least one is a veterinary surgeon.

Note. Section 52 of the Act specifies the circumstances in which the Director-General of the Department of Agriculture can suspend or cancel a licence for a veterinary hospital.

What licensee of veterinary hospital must do if superintendent is absent

19. If the superintendent of a veterinary hospital who is nominated in accordance with section 54 of the Act is or is to be absent from the hospital for more than 1 week, the licensee must ensure that arrangements are made for another veterinary surgeon to act as superintendent of the hospital during that absence.

Maximum penalty: 2 penalty units.

Note. Section 54 of the Act enables the licensee of a veterinary hospital to nominate the superintendent of the hospital.

Duties of superintendent of veterinary hospital

20. (1) The superintendent of a veterinary hospital who is nominated in accordance with section 54 of the Act is responsible for the care, control and management of the hospital.

(2) The superintendent of a veterinary hospital must also:

- (a) ensure that a complete record is made at the time of each veterinary treatment and consultation (including any x-ray film, radiograph or ultrasound image) and that the record is retained for at least 2 years from when it is made; and
- (b) attend the hospital at least once each week, except a week during which the hospital is closed or when the Board otherwise approves; and

- (c) ensure that any animal admitted to the hospital for accommodation or treatment is examined daily or more frequently if the circumstances require; and
- (d) ensure that any dog admitted to the hospital for boarding is currently vaccinated against canine distemper, infectious canine hepatitis and canine parvovirus infection; and
- (e) ensure that any cat admitted to the hospital for boarding is currently vaccinated against feline infectious enteritis, feline rhinotracheitis and feline calicivirus infection; and
- (f) ensure that any animal admitted to the hospital for accommodation or treatment which shows signs of an infectious or contagious disease is effectively isolated from all animals not so affected; and
- (g) ensure that sufficient competent staff are present when elective surgery is being performed and when animals are being prepared for any such surgery; and
- (h) ensure that clauses 21–25 are complied with; and
- (i) ensure that any written instructions issued by the Board to the superintendent are complied with.

Maximum penalty: 5 penalty units.

Note. Section 54 of the Act enables the licensee of a veterinary hospital to nominate the superintendent of the hospital.

Certain surgical procedures to be performed only at particular class of veterinary hospital

21. (1) A surgical procedure may be performed on an animal at a class C veterinary hospital only if:

- (a) the surgical procedure is of a minor nature not involving the opening of a body cavity; or
- (b) the procedure is emergency treatment; or
- (c) the nearest class A or class B veterinary hospital is more than 50 kilometres away by road from the hospital.

(2) For the purposes of this clause, the operation of de-sexing an animal other than a male cat is not a minor surgical procedure.

(3) A veterinary surgeon must not, except in an emergency, operate on a dog or cat in a place other than a class A or class B veterinary hospital.

Surgical facilities at veterinary hospitals not to be used for other purposes

22. (1) Facilities provided at, and any area of, a veterinary hospital used for the purpose of carrying out surgical procedures on animals must be used for that purpose only and must not be used for:

- (a) the administration of pre-operative anaesthetics to animals; or
- (b) preliminary preparation of animals for surgery.

(2) This clause does not apply to a class C veterinary hospital.

Animal accommodation at veterinary hospitals

23. (1) An animal may be accommodated at a veterinary hospital only if:

- (a) the hospital is:
 - (i) a class A veterinary hospital; or
 - (ii) a class B veterinary hospital and not more than 20 animals are being accommodated at the hospital; or
 - (iii) a class C veterinary hospital, not more than 20 animals are being accommodated at the hospital and there is no class A or class B veterinary hospital located within 50 kilometres distance by road of the hospital; and
- (b) the animal is attended by a veterinary surgeon not less than once each day for the period for which it is accommodated at the hospital.

(2) If an animal accommodated at a veterinary hospital:

- (a) has not been vaccinated against diseases in accordance with clause 20 (2); or
- (b) is accommodated on behalf of an animal welfare society or a council of local government area; or
- (c) is a stray or abandoned animal whose ownership is not known,

the animal must be accommodated in a part of the hospital isolated from any other animal except an animal of similar or of the same condition.

What is to happen when x-ray film, radiograph or ultrasound image is taken or made in respect of animal

24. When an x-ray film, radiograph or ultrasound image of an animal is taken or made in the course of veterinary treatment or a consultation at a veterinary hospital, the film, radiograph or image must, at the time of exposure or processing:

- (a) identify the animal; and
- (b) specify whether the film, radiograph or image relates to the right or left side of the animal; and
- (c) specify the date on which the x-ray film, radiograph or ultrasound image was taken or made.

Carrying out bathing, grooming or clipping at veterinary hospital

25. Bathing, grooming or clipping of animals (other than for medical purposes) at a veterinary hospital must be carried out in an area of the hospital that:

- (a) is not used for other purposes; and
- (b) is adequately separated from other areas of the hospital.

PART 4—ADVERTISING**What advertisements are authorised by this Regulation**

26. An advertisement that a person is able or willing to do or perform any act, matter or thing the doing or performance of which forms part of the practice of veterinary science is authorised by this Regulation for the purposes of section 42 of the Act, but only if the advertisement complies with this Part.

Note. Section 42 of the Act makes it an offence for persons (including veterinary surgeons) to advertise that they are willing to practise veterinary science unless the advertisement is authorised by regulations under the Act or by the Board.

General requirements for advertisements relating to veterinary services

27. An advertisement is authorised for the purposes of section 42 of the Act only if it:

- (a) is not false, misleading or deceptive, and is not likely to mislead or deceive any person; and

- (b) does not adversely affect, and is not likely to adversely affect, the reputation or standing of any veterinary surgeon or of the veterinary profession generally; and
- (c) does not claim or imply the superiority of any veterinary surgeon over all veterinary surgeons or any other veterinary surgeon; and
- (d) does not make or imply a comparison with any other veterinary surgeon or any person approved by the Board to perform permitted veterinary practices; and
- (e) does not contain any testimonial or endorsement concerning any veterinary surgeon; and
- (f) does not contravene:
 - (i) Part IV or V of the Trade Practices Act 1974 of the Commonwealth; or
 - (ii) Part 5 of the Fair Trading Act 1987; or
 - (iii) the Competition Code of New South Wales on and from its commencement.

Notes. Section 42 of the Act makes it an offence for persons (including veterinary surgeons) to advertise that they are willing to practise veterinary science unless the advertisement is authorised by regulations under the Act or by the Board.

Part IV of the Trade Practices Act 1974 of the Commonwealth deals with restrictive trade practices and Part V of that Act contains provisions that are designed to protect consumers of goods and services.

Part 5 of the Fair Trading Act 1987 complements Part V of the Commonwealth Trade Practices Act.

The Competition Code of New South Wales applies certain laws of the Commonwealth relating competition policy (including Part IV of the Trade Practices Act) as laws of New South Wales.

Restriction on advertising use of place for practising veterinary science

28. (1) A person must not advertise a place as one that is used or intended for use in the practice of veterinary science (whether or not it is a veterinary hospital), unless the advertisement complies with this Part.

Maximum penalty: 10 penalty units.

(2) This clause does not apply to the advertising of any act, matter or thing permitted by section 44 of the Act.

Note. Section 44 of the Act specifies the acts that persons who are not veterinary surgeons are permitted to do on animals.

Advertising not restricted in respect of certain permitted practices

29. A person (including a veterinary surgeon) may advertise, in such manner as the person thinks fit, that the person is able or willing to do or perform any act, matter or thing permitted by section 44 of the Act.

Note. Section 44 of the Act specifies the acts that persons who are not veterinary surgeons are permitted to do on animals.

PART 5—MISCELLANEOUS**Seal of Board**

30. (1) The seal of the Board is a seal that bears the coat of arms of New South Wales and the words “The Board of Veterinary Surgeons of New South Wales”.

(2) The seal of the Board may be affixed to a document only in the presence of the President of the Board or of at least 2 members of the Board.

(3) The seal of the Board is not validly affixed to a document unless there is included in the document a statement, signed by the President or those members, that the seal was affixed in their presence.

Prescribed fees

31. The fees set out in Schedule 3 are prescribed for the matters specified in that Schedule.

Prescribed forms

32. The forms set out in Schedule 4 must be used for the purposes for which they are appropriate.

Notes in text

33. Notes in the text of this Regulation are explanatory notes only and do not form part of this Regulation.

Repeal and saving

34. (1) The Veterinary Surgeons Regulation 1987 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Veterinary Surgeons Regulation 1987, had effect under that Regulation continues to have effect under this Regulation.

SCHEDULE 1—VETERINARY SURGEONS' CODE OF PROFESSIONAL CONDUCT

(Cl. 10)

Basic principles

1. The basic principles of professional behaviour for a veterinary surgeon are:
 - (a) a primary concern for the welfare of animals; and
 - (b) the performance of professional work to a standard of competence acceptable to the profession; and
 - (c) no professional activities to be undertaken to the detriment of professional colleagues.

Animal welfare

2. (1) A veterinary surgeon must at all times consider the welfare of animals when practising veterinary science.

(2) A veterinary surgeon who has accepted responsibility for the care of an animal should ensure that the animal is not abandoned unless there is good reason to do so and unless the welfare of the animal is safeguarded.

(3) A veterinary surgeon who provides veterinary services directly to the public should not, without good reason, refuse to provide relief of pain or suffering of an animal. Relief may be confined to emergency treatment only or immediate referral to another veterinary surgeon.

Correction of genetic defects

3. (1) It is unethical for a veterinary surgeon to perform a surgical operation on, or to provide medical treatment for, an animal if the primary purpose of the operation or treatment is to conceal the animal's true genetic status so as to enhance its value for sale, breeding or showing in competition.

(2) A veterinary surgeon who becomes aware that an animal belonging to a client is suffering from a defect or disease that is known to be inheritable must inform the client of the defect or disease and its implications for breeding programs.

(3) It is not unethical for a veterinary surgeon to perform a surgical operation for the correction of an inheritable defect or to provide medical treatment for an inheritable disease, but only if the primary purpose of the operation or treatment is to relieve or prevent pain or discomfort to the animal.

Proscribed procedures

4. The following procedures should be conducted only for genuine therapeutic purposes and in a manner consistent with the Prevention of Cruelty to Animals Act 1979:

- (a) debarking of dogs;
- (b) declawing of cats;
- (c) tail docking of horses or cattle;
- (d) ear cropping of dogs.

Professional practice

5. (1) A veterinary surgeon should, at all times, diligently maintain knowledge of current standards of veterinary science.

(2) Professional procedures should always be carried out in accordance with current standards of veterinary science.

(3) Except in the case of an emergency, a veterinary surgeon should not undertake any veterinary procedure on an animal without ensuring that the owner or person in charge of the animal is made aware of the likely extent and outcome of the procedure and of its probable cost. An example of an emergency is a circumstance in which there is an immediate threat to the life of the animal concerned.

(4) A veterinary surgeon should refer a client to an appropriately qualified veterinary surgeon whenever a second opinion or a referral is desirable.

(5) A veterinary surgeon should not refuse a request by a client for a referral or second opinion.

(6) A veterinary surgeon to whom a client of another veterinary surgeon is referred or who is asked to provide a second opinion for such a client should act in the best interests of that client and the animal concerned.

(7) A veterinary surgeon who has previously treated an animal should, when asked by another veterinary surgeon who has taken over treatment of the animal, provide all relevant details directly to the other veterinary surgeon.

(8) A veterinary surgeon to whom another veterinary surgeon has referred an animal for treatment or a second opinion should return all documents and other articles provided by the other veterinary surgeon when the animal is finally discharged or is referred back to the other veterinary surgeon.

(9) A veterinary surgeon responsible for the professional supervision of lay staff must ensure that the staff carry out their duties effectively and in compliance with relevant legislation.

(10) A veterinary surgeon should ensure that:

- (a) support staff treat as confidential and refrain from divulging any information relating to clients or their animals acquired during the course of their employment; and
- (b) support staff, having in an emergency given first aid to an animal for the purpose of saving life or relieving pain, report and hand over the case to the veterinary surgeon or another veterinary surgeon at the earliest opportunity; and
- (c) information relating to a client or a client's animal obtained in the course of examining or treating the animal is not divulged, except when referring the animal to another veterinary surgeon for treatment or a second opinion or with the consent of the client.

(11) A veterinary surgeon should not sign a certificate relating to the performance of a veterinary service unless:

- (a) the certificate is accurately completed to the best of the veterinary surgeon's knowledge; and
- (b) the surgeon has personally performed or supervised the performance of the service.

(12) When, or as soon as practicable after, treating an animal or consulting with a client, a veterinary surgeon should ensure that a detailed record of the treatment or consultation is made. The record should include any x-ray film, radiograph or ultrasound image relating to the treatment of an animal. The veterinary surgeon should ensure that the record is kept in safe custody for at least 2 years after the relevant treatment or consultation.

Drugs, antibiotics and other chemical or biological substances

6. (1) A veterinary surgeon must ensure that conditions imposed by other legislation (such as the Poisons Act 1966) relating to dispensing, handling or storing restricted or dangerous drugs are strictly complied with.

(2) A veterinary surgeon is responsible for ensuring that clients are aware of the need to comply with the withholding periods recommended for the administration of antibiotic and other drugs to food producing animals or to animals used in a sport that has rules about the use of chemical substances.

(3) A veterinary surgeon must not supply, issue or dispense to a client any substance that is included in Schedule 1, 3 or 4 to the Poisons List without ensuring that the substance is correctly labelled.

(4) A veterinary surgeon who supplies or arranges for the supply to an animal of a substance included in Schedule 1, 3 or 4 to the Poisons List must ensure that the person who dispenses the substance is provided with written instructions as to any dosage requirement, route of administration or withholding period that is relevant to the use of the substance.

Note. Section 8 of the Poisons Act 1966 deals with the Poisons List.

Legislative responsibilities

7. To ensure that a veterinary surgeon is able to practise veterinary science in a safe and competent manner, the surgeon must acquire and maintain a sufficient knowledge of all laws that affect the practice of veterinary science, including:

- (a) laws regulating the supply, dispensing and storage of poisons and therapeutic substances; and
- (b) laws regulating and controlling the use, keeping and disposal of radioactive substances and radioactive apparatus for therapeutic purposes.

Special interest areas

8. Before undertaking practice in a special interest area of veterinary science with which the veterinary surgeon is not familiar, a veterinary surgeon should ensure that he or she has the knowledge and competence necessary to practise in that area.

Professional relationships

9. When practising veterinary science, a veterinary surgeon has an obligation to conduct himself or herself in a manner in accordance with the professional standards expected by other veterinary surgeons, the users of the services of veterinary surgeons and the New South Wales public in general.

Advertising

10. (1) An advertisement placed by or with the authority of a veterinary surgeon that advertises his or her practice as a veterinary surgeon must comply with clause 27 (General requirements for advertisements relating to veterinary services) of the Veterinary Surgeons Regulation 1995 so that the advertisement:

- (a) is not false, misleading or deceptive or likely to mislead or deceive any person; and
- (b) does not adversely affect or is not likely to adversely affect the reputation or standing of any veterinary surgeon or of the veterinary profession generally; and
- (c) does not claim or imply the superiority of the veterinary surgeon over all veterinary surgeons or any other veterinary surgeon; and
- (d) does not make or imply any comparison with another veterinary surgeon or other person approved by the Board to perform permitted veterinary practices; and
- (e) does not contain any testimonial or endorsement concerning the veterinary surgeon; and
- (f) does not contravene:
 - (i) Part IV or V of the Trade Practices Act 1974 of the Commonwealth; or
 - (ii) Part 5 of the Fair Trading Act 1987; or
 - (iii) the Competition Code of New South Wales on and from its commencement.

(2) A veterinary surgeon who operates or participates in a veterinary science practice must not enter into a contract or arrangement under which a publisher or distributor of a directory or other publication includes, or agrees to include, in the directory or publication an entry that advertises or promotes that practice to the exclusion of any other veterinary science practice.

SCHEDULE 2—MINIMUM STANDARDS FOR VETERINARY HOSPITALS

(Cl. 17)

PART 1—STANDARDS APPLICABLE TO ALL VETERINARY HOSPITALS**Minimum standards for class A, class B and class C hospitals**

1. A class A, B or C veterinary hospital must:
 - (a) be located at premises that are in good condition with the immediate surrounding areas and the interior of the premises maintained in a clean, orderly and sanitary condition; and
 - (b) be designed and constructed so as to prevent the escape of an animal brought into the premises and to ensure the effective confinement of that animal at all times; and
 - (c) have internal walls and floors that can be easily cleaned and disinfected; and
 - (d) have adequate ventilation and be free from offensive odours; and
 - (e) have a supply of potable water available at a pressure and in a quantity sufficient for the needs of the hospital; and
 - (f) be supplied with electricity sufficient for the needs of the hospital; and
 - (g) have lighting in all rooms that is adequate for the purposes for which the room is to be used; and
 - (h) have all openings to the exterior of the premises effectively screened or fitted with self-closing devices so as to prevent the entry of insects, rodents, birds, vermin and other pests; and
 - (i) be equipped with adequate firefighting equipment and have sufficient exits to facilitate the safe removal of animals and evacuation of staff if there should be a fire at the hospital; and
 - (j) have facilities and equipment for adequately heating and cooling the interior of the hospital; and
 - (k) have facilities and equipment for the hygienic disposal of soiled dressings, animal tissue, animal bedding, animal excreta, dead animals and any other contaminated or unwholesome matter arising from the operation of the hospital, except in so far as other arrangements have been made for the matter to be removed from the hospital in a hygienic manner; and
 - (l) have a reception area of a size and design, and with a seating capacity, so as:
 - (i) to seat comfortably people who are awaiting veterinary treatment for, or consultations in respect of, their animals; and
 - (ii) to enable animals brought into the reception area to be segregated from those people.

PART 2—STANDARDS APPLICABLE TO BOTH CLASS A AND CLASS B VETERINARY HOSPITALS**Additional standards for class A and class B hospitals**

2. The standards set out in this Part are additional to those set out in Part 1.

Additional areas for office and storage facilities

3. A class A or class B veterinary hospital must:
- (a) have a separate area for use as an office; and
 - (b) have adequate storage facilities.

Examination areas at class A and class B hospitals

4. (1) A class A or class B veterinary hospital must have a separate room for carrying out examinations of animals.

(2) The room:

- (a) must be equipped with:
 - (i) an examination table that is capable of being easily cleaned and disinfected; and
 - (ii) a hand wash basin supplied with hot and cold water; and
 - (iii) instruments and equipment necessary to conduct thorough clinical examinations of animals; and
- (b) must be equipped with, or have readily available from elsewhere on the premises:
 - (i) facilities and equipment for the sterilisation of those instruments and equipment; and
 - (ii) a supply of drugs adequate for thorough veterinary treatment of animals; and
 - (iii) drug storage facilities that can be locked up and provide a standard of security for those drugs as required by or under the Poisons Act 1966.

Operating facilities at class A and class B hospitals

5. (1) A class A or class B veterinary hospital must have a separate room that:
- (a) is constructed and equipped for carrying out surgical procedures on animals; and
 - (b) is not a general thoroughfare.
- (2) The hospital must be equipped with appliances and instruments sufficient to enable:
- (a) the surgical instruments used at the hospital to be properly sterilised; and
 - (b) all usual veterinary surgical procedures (including anaesthesia, resuscitation and administration of fluid supportive therapy to animals) to be carried out in the room; and
 - (c) the bodily functions of animals at the hospital to be monitored.

1995—No.530

Laboratory facilities at class A and class B hospitals

6. A class A or class B veterinary hospital must have adequate facilities and equipment to enable routine diagnostic testing to be carried out.

Radiographic equipment at class A and class B hospitals

7. A class A or class B veterinary hospital must have facilities and equipment for:

- (a) the taking of x-ray films; and
- (b) the processing and viewing of radiographs,

that are suitable and adequate for the needs of the hospital, unless the Board otherwise approves.

Veterinary surgeon to regularly attend class A or class B hospital

8. A veterinary surgeon must be in regular attendance at a class A or class B veterinary hospital for the purpose of providing veterinary services to members of the public.

PART 3—ADDITIONAL STANDARDS FOR CLASS A VETERINARY HOSPITALS**Additional standards for class A hospitals**

9. The standards set out in this Part are additional to those set out in Parts 1 and 2.

Additional operating facilities at class A veterinary hospitals

10. A class A veterinary hospital must:

- (a) be equipped with appliances and instruments necessary to permit:
 - (i) animals to be anaesthetised by gas; and
 - (ii) whole blood to be administered to animals; and
- (b) have a separate room that is constructed and equipped for the purpose of carrying out preliminary preparation of animals for surgery; and
- (c) have facilities for personal washing and sterilisation by veterinary surgeons, including suitable foot or elbow operated water taps.

Animal accommodation facilities at class A hospitals

11. A class A veterinary hospital must have:

- (a) facilities (including accommodation areas) adequate for the number and nature of the animals to be accommodated at the hospital; and
- (b) accommodation areas constructed with the walls and floors of non-permeable materials and with fittings capable of being easily cleaned and disinfected; and

- (c) facilities and equipment for the storage and preparation of food for consumption by animals, being facilities and equipment that:
 - (i) are adequately separated from other areas of the hospital; and
 - (ii) are free of vermin; and
 - (iii) are capable of being easily cleaned and disinfected; and
- (d) facilities and equipment for the sterilisation of equipment, facilities and utensils used in the preparation or serving of animal food; and
- (e) facilities for the isolation of animals suffering from infectious diseases, being facilities that provide a physical and air space difference from all other areas of the hospital so as to prevent the contamination of those other areas or the spread of any infectious disease; and
- (f) facilities and equipment for adequately heating and cooling the interior of animal accommodation areas; and
- (g) exercise facilities that are weatherproof and of a size and design adequate for the number and the nature of the animals that might reasonably be expected to be accommodated at the hospital.

Laboratory facilities at class A hospitals

12. A class A veterinary hospital must have facilities and equipment adequate to permit microscopic, haematological and urinary examination for the purpose of the testing of animals.

Emergency veterinary care

13. For the purpose of providing emergency veterinary care or treatment of animals, a class A veterinary hospital must have at least one of the following:

- (a) a veterinary surgeon in attendance for the purpose of providing that care or treatment outside the hospital's ordinary hours of operation;
- (b) a veterinary surgeon available to be in attendance for that purpose at short notice outside those hours;
- (c) a telephone answering system or service in operation outside those hours and a notice, displayed conspicuously at the entrance to the hospital, that refers people who want emergency veterinary care or treatment of animals outside those hours to another veterinary hospital:
 - (i) that has a veterinary surgeon in attendance, or available to be in attendance at short notice, for the purpose of providing that care or treatment outside those hours; and
 - (ii) that is a veterinary hospital for which a class A or class B licence is in force; and
 - (iii) the superintendent of which has agreed to the making of such referrals.

PART 4—ADDITIONAL STANDARD FOR CLASS B VETERINARY HOSPITALS**Additional standard for class B hospitals**

14. The standard set out in this Part is additional to those set out in Parts 1 and 2.

Animal accommodation facilities at class B hospitals

15. A class B veterinary hospital must have:

- (a) facilities (including accommodation areas) adequate for the number and nature of the animals to be accommodated at the hospital; and
- (b) accommodation areas that are constructed with walls and floors of non-permeable materials and that have fittings which can be easily cleaned and disinfected; and
- (c) facilities and equipment for the storage and preparation of food for consumption by animals, being facilities and equipment that:
 - (i) are separated from other areas of the hospital; and
 - (ii) are free of vermin; and
 - (iii) can be easily cleaned and disinfected; and
- (d) facilities and equipment for the sterilisation of equipment used in preparing or serving animal food; and
- (e) facilities for isolating animals that are suffering from infectious diseases, being facilities that provide both a physical and air barrier to all other areas of the hospital so as to prevent the spread of the disease to those other areas; and
- (9) facilities and equipment for adequately heating and cooling the interior of animal accommodation areas.

PART 5—ADDITIONAL STANDARD FOR CLASS C VETERINARY HOSPITALS**Additional standard for class C hospitals**

16. The standard set out in this Part is additional to those set out in Part 1.

Examination area for class C hospital

17. (1) A class C veterinary hospital must have a separate area for the purpose of carrying out examinations of animals.

(2) The area:**(a) must be equipped with:**

- (i) an examination table that can be easily cleaned and disinfected; and
- (ii) a hand wash basin supplied with cold water; and
- (iii) instruments and equipment necessary to enable thorough clinical examinations of animals to be carried out and minor or emergency surgical procedures to be performed on animals; and

(b) must be equipped with, or have readily available (either at the premises or elsewhere):

- (i) facilities and equipment for the sterilisation of the instruments and equipment referred to in paragraph (a) (iii); and
- (ii) a supply of drugs adequate for competent veterinary treatment of animals; and
- (iii) drug storage facilities that can be locked up and provide a reasonable standard of security for drugs as required by or under the Poisons Act 1966.

SCHEDULE 3—FEES

(Cl. 31)

PART 1—FEES RELATING TO VETERINARY SURGEONS

Matter	Fee \$
1. Recording in a register additional particulars (section 10 (2) of the Act)	10
2. Inspection of a register (section 10 (3) of the Act)	10
3. Application for registration (section 16 (1) (c) of the Act):	
(a) for full registration	30
(b) for limited registration	80
(c) for registration as a specialist	50
4. Duplicate certificate of registration (clause 8)	10
5. Annual roll fee (section 19 (1) of the Act):	
(a) for full registration	80
(b) for honorary registration	5
6. Restoration to a register (sections 19 (3) and 35 (5) of the Act).....	150
7. Application fee (section 39 (1) (f) of the Act)	100

1995—No. 530

8. Application for approval by unregistered persons to perform certain acts (section 44 (3) (c) of the Act)	10
9. Application for approval by unregistered persons to perform certain acts under supervision (section 45 (5) (c) of the Act)	50

PART 2—FEES RELATING TO VETERINARY HOSPITALS

Matter	Fee \$
1. Application for licence (section 48 (e) of the Act)	60
2. Annual licence fee (section 51 of the Act)	60

SCHEDULE 4—FORMS

(Cl. 32)

Form 1

**Board of Veterinary Surgeons of New South Wales
FORM OF DECLARATION**

I,

of

.....

am an applicant for registration as a veterinary surgeon under the Veterinary Surgeons Act 1986 of New South Wales.

I declare that:

- I am of good reputation and character,
- I will pursue the work of my profession with diligence,
- in practising veterinary science, I will promote the welfare of animals,
- I will observe the veterinary surgeons code of professional conduct, and
- I will maintain a standard of professional knowledge and expertise at a level that is accepted by my professional colleagues who are of good standing.

.....
(Signature)

..... 19

(Date)

Form 2

Board of Veterinary Surgeons of New South Wales

APPLICATION FOR FULL REGISTRATION

I,

of*

.....

apply for registration under section 12 of the Veterinary Surgeons Act 1986.

I declare that I am the person named in the documents accompanying this application as set out below.

.....

(Signature)

..... 19

(Date)

* State your residential or business address (but not a post-office box number) if different from the above.

State below your postal address if it is different from the residential or business address you gave above.

.....

.....

The following documents must accompany your application:

- a declaration that you will uphold the veterinary surgeons' code of professional conduct;
- your photograph (any size), which must be signed by you on the back;
- a copy of your birth registration certificate (or if it is not available, other evidence of your age acceptable to the Board—for example, a driver's licence or passport);
- a copy of any academic award, certificate of registration or other document that provides evidence of your qualification for registration (or if you cannot produce such a document, any other evidence of your qualification, showing the qualification obtained and the date it was awarded);

- if you are relying on registration at a place outside New South Wales, you must provide a letter from the registering authority for that place certifying your registration and good standing;
- if you are an overseas graduate, you must provide evidence of your right to remain in Australia (for example, a certificate of Australian or New Zealand citizenship, a visa for permanent residency in Australia or a work visa for temporary residency in Australia).

Note: Section 58 of the Act provides a maximum penalty of \$2,000 or 12 months' imprisonment, or both, for persons who make false or misleading statements in or in connection with this application.

Form 3

Board of Veterinary Surgeons of New South Wales

CERTIFICATE OF REGISTRATION

This is to certify that
was registered as a veterinary surgeon under the Veterinary Surgeons Act 1986
on day of 19

.....
President by order of the Board

Certificate No.

Dated: 19

.....
Registrar, Board of Veterinary
Surgeons of New South Wales

Form 4

Board of Veterinary Surgeons of New South Wales

CERTIFICATE OF LIMITED REGISTRATION

This is to certify that
of was on day of
..... 19 granted limited registration as a veterinary surgeon under
section 14 of the Veterinary Surgeons Act 1986 for the purpose of

.....
This certificate remains valid until 19

The registration is subject to the following conditions:

- 1
- 2
- 3
- 4

.....
President by order of the Board

Certificate No.

Dated: 19

.....
Registrar, Board of Veterinary
Surgeons of New South Wales

Form 5

Board of Veterinary Surgeons of New South Wales

CERTIFICATE OF REGISTRATION AS A SPECIALIST

This is to certify that
was registered as a specialist veterinary surgeon in

under the Veterinary Surgeons Act 1986 on day of 19

.....
President by order of the Board

Certificate No.

Dated: 19

.....
Registrar' Board of Veterinary
Surgeons of New South Wales

NOTES

TABLE OF PROVISIONS

PART 1—PRELIMINARY

1. Citation
2. Commencement
3. Definitions

PART 2—VETERINARY SURGEONS

4. Declaration by veterinary surgeon as to conduct to be observed
5. Prescribed universities and colleges: full registration
6. Examination: full registration
7. Branches of veterinary science in which person can be registered as specialist
8. Board can issue duplicate certificate of registration
9. Additional particulars to be entered in register
10. Veterinary surgeons' code of professional conduct
11. Maximum amount of costs that may be awarded against veterinary surgeon
12. Offence for veterinary surgeon to permit use of surgeon's name
13. Veterinary surgeons to notify change of address
14. Requests for permission to practise as veterinary surgeon to be in writing

PART 3—VETERINARY HOSPITALS

15. Veterinary hospitals: exemption of certain places
16. Classes of licences for veterinary hospitals
17. Minimum standards for veterinary hospitals
18. Minimum staff for veterinary hospital where elective surgery performed

1995—No. 530

19. What licensee of veterinary hospital must do if superintendent is absent
20. Duties of superintendent of veterinary hospital
21. Certain surgical procedures to be performed only at particular class of veterinary hospital
22. Surgical facilities at veterinary hospitals not to be used for other purposes
23. Animal accommodation at veterinary hospitals
24. What is to happen when x-ray film, radiograph or ultrasound image is taken or made in respect of animal
25. Carrying out bathing, grooming or clipping at veterinary hospital

PART 4—ADVERTISING

26. What advertisements are authorised by this Regulation
27. General requirements for advertisements relating to veterinary services
28. Restriction on advertising use of place for practising veterinary science
29. Advertising not restricted in respect of certain permitted practices

PART 5—MISCELLANEOUS

30. Seal of Board
31. Prescribed fees
32. Prescribed forms
33. Notes in text
34. Repeal and saving

SCHEDULE 1—VETERINARY SURGEONS' CODE OF PROFESSIONAL CONDUCT

SCHEDULE 2—MINIMUM STANDARDS FOR VETERINARY HOSPITALS

SCHEDULE 3—FEES

SCHEDULE 4—FORMS

EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, with no changes in substance, the provisions of the Veterinary Surgeons Regulation 1987. The new Regulation deals with the following matters:

- (a) the declaration to be made by a veterinary surgeon as to the conduct to be observed when practising as such (clause 4);
- (b) prescribing universities and other institutions for the purposes of section 12 of the Act (Full registration) (clause 5);
- (c) prescribing examination requirements for full registration (clause 6);
- (d) providing for certain veterinary surgeons to be registered as specialists (clause 7);

- (e) providing for the issue of duplicate certificates of registration and the entry of additional particulars in the register of veterinary surgeons (clauses 8 and 9);
- (f) prescribing the veterinary surgeons' code of professional conduct (clause 10 and Schedule 1);
- (g) prescribing the maximum amount of costs that the Veterinary Surgeons Investigating Committee may award against a veterinary surgeon (clause 11);
- (h) making it an offence for an unregistered person to use the name of a veterinary surgeon (clause 12);
- (i) requiring a veterinary surgeon to notify the Board of Veterinary Surgeons of New South Wales of a change of address (clause 13);
- (j) providing for the exemption of certain places from the regulatory requirements relating to veterinary hospitals (clause 15);
- (k) prescribing different classes of veterinary hospitals and prescribing minimum standards to be complied with in relation to those classes of hospitals (clauses 16–18 and Schedule 2);
- (l) prescribing what the licensee of a veterinary hospital must do in the absence of the superintendent of the hospital (clause 19);
- (m) prescribing the duties of superintendents of veterinary hospitals (clause 20);
- (n) prescribing requirements for veterinary hospitals (clauses 21–25);
- (o) prescribing advertising standards to be complied with by veterinary surgeons (Part 4);
- (p) providing for other matters of an administrative or machinery nature, including the affixing of the seal of the Board, fees and forms (clause 14 and Part 5).

This Regulation is made under the Veterinary Surgeons Act 1986, including section 71 (the general regulation making power) and sections 3, 8, 9, 12, 13, 22, 23, 42, 44, 47, 49 and 52.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.