



TE KAUNIHERA RATA KARAREHE O AOTEAROA CONSULTATION

Te Kaunihera Rata Kararehe o Aotearoa (the Veterinary Council of New Zealand, VCNZ) is seeking feedback on the options from industry and other interested stakeholders. This consultation will help Te Kaunihere Rata Kararehe o Aotearoa develop a proposal to provide to the Ministry for Primary Industries (MPI) to seek amendments to the Veterinarians Act 2005.

1.1.1.1 What is the Veterinarians Act and the World Health Organisation for Animal Health Terrestrial Animal Health Code?

The **Veterinarians Act** is the main piece of legislation that relates to the veterinary industry and profession.

The purpose of the Act is to protect the public interest by aiming to ensure that veterinarians are competent to practice, and, for that purpose:¹

- continues the **Veterinary Council of New Zealand** (VCNZ)
- states the VCNZ's functions
- provides VCNZ with the powers to: register people qualified to practice as veterinarians, issue practising certificates to specialists and people qualified to practise as veterinarians, set and implement standards for veterinary performance and monitor performance and, if necessary, discipline veterinarians and certain other people.

New Zealand's system operates within a wider international framework of trade obligations and animal health and care. The main international standard that New Zealand should adhere to is the **World Health Organisation for Animal Health** (OIE) [Terrestrial Animal Health Code](#) (the Code). The Code provides standards for the improvement of terrestrial animal health and welfare and veterinary public health,² and covers:

- animal disease diagnosis, surveillance and notification, risk analysis, quality of veterinary services, disease prevention and control, trade measures, import/export procedures and veterinary certification, animal welfare
- exceptional situations, for example during an animal disease epidemic, under which people other than veterinarians can carry out activities that are usually carried out by veterinarians
- oversight of the authorisation and use of antibiotics particularly in relation to antimicrobial resistance.

¹ Veterinarians Act 2005, s 3.

² World Organisation for Animal Health (OIE) *Terrestrial Animal Health Code* (2019).



1.1.1.2 What is the scope and terminology used in this survey?

Survey 1 focuses on key issues which pose significant risk to the industry, animal welfare, and the wider New Zealand public. It is not intended to be a full review of the Veterinarians Act 2005. In particular, the discussion focuses on:

- the role of allied veterinary professionals (AVPs)
- the changing nature of veterinary practices.

The term “**AVP**” has been used throughout the survey to represent veterinary nurses, veterinary technicians/technologists and other allied animal healthcare workers

For the purposes of this consultation, AVP means all people working in a clinical capacity providing healthcare to animals (excluding veterinarians), including, but not limited to:

- veterinary nurses
- veterinary technicians and technologists
- rural animal technicians
- large animal veterinary technicians
- veterinary nursing assistants.

This broad definition has been used intentionally. Later surveys will ask more specific questions about the AVP workforce and appropriate definitions.

We have also used the term “**veterinary sector**” to encompass services concerned with animal health and welfare, including the medical treatment of animals and protection of public health in relation to animals. It includes references to veterinarians, AVPs, and any other professions or organisations who regularly deal in provision of veterinary related services, education, and science.

The term “**regulation**” is used throughout this document. When used, it generally refers to regulation that requires, by law, a profession to be registered with a regulatory body with the purpose of promoting and protecting the public interest by reducing, mitigating, or eliminating harms or potential harms stemming from the practice of the profession.

1.1.1.3 What is the context for the veterinary practice, Allied Veterinary Professionals (AVPs) and wider ethnical and environmental trends that affect the production animal industry?

Veterinary practice context

When the Veterinarians Act was passed, most veterinary practices in New Zealand were smaller, independent, private, veterinarian-owned practices and club practices. However, the veterinary industry is changing, with recent moves away from small, privately-owned practices, to larger, often non-veterinary owned corporate businesses (both domestically and

internationally owned). Technology advancements are also opening up new opportunities for veterinary businesses, including remote veterinary medicine (telemedicine) and artificial intelligence-based services. These developments fundamentally change the veterinary profession, and it is important that legislation and regulation keep pace with these changes. The veterinary scene is now a mixture- there are still smaller businesses operating in the same environment as larger corporates, while the Act remains the same as the one that was designed for a very different environment.

The Veterinarians Act focuses on veterinarians and does not allow for any regulation of standards for veterinary practices or other veterinary businesses. In the context of larger, non-veterinary-owned businesses and new technology, the ability to set and monitor standards and performance of businesses and services not owned or run by veterinarians might create risk. It also may mean that the regulator is forced to focus on the actions of individuals when the true issues may be more systemic in nature and potentially removed from the veterinarian's direct influence.

Allied Veterinary Professionals (AVPs) context

The term AVP is used in this document as a broad, encompassing term. It does not have one clear definition in New Zealand. AVPs include veterinary nurses, veterinary technicians, and veterinary technologists, with formal qualifications. Their qualifications provide a broad level of knowledge in clinical animal healthcare provision. They usually will have basic knowledge of healthcare for a range of domestic animals, and more in-depth clinical knowledge on a narrower range of species. They have a wide scope of practice within clinical veterinary facilities, limited by legislation.

Veterinarians are regulated under the Veterinarians Act 2005, and as such they are the only veterinary professionals who are legally mandated to perform surgery, diagnostics, and prescribing of medication - in contrast, the scope of practice for veterinary nurses, veterinary technologists and veterinary technicians lies distinctly outside of those key areas and thus they typically work in collaboration with a registered veterinarian.

Wider ethical and environmental trends that affect the production animal industry context

Consumers have a qualified concern about the safety of food, and an interest in knowing where their food has come from. Increasingly, consumers in international markets will pay a premium for the ethical production of food, and it is essential for New Zealand to consider this, given the important role that agriculture exports play in our economy.

The determination of ethical production of food appears to fall into three categories:

- concern for the planet
- concern for people and animal welfare
- concern for their own and their loved ones' health, wellness, and nutrition.

Climate change and the state of the environment more generally are of increasing concern for consumers, particularly when it comes to agriculture. He Waka Eke Noa (the Primary Sector Climate Action Partnership) is working towards farmers including mitigating

greenhouse gas emissions and adapting to climate change in their farm business and environment plans by 2025.³ Greenhouse gas mitigation will include strategies such as vaccinations, breeding and feed changes, all of which will require the input and management of veterinarians and veterinary professionals. It is essential that the legislative landscape for veterinarians and AVPs reflects this important role.

The **UK-NZ Free Trade Agreement (FTA)** is the first trade deal in which New Zealand has agreed to an animal welfare chapter. Alongside each country's World Trade Organisation commitments, the key objective within the deal is to enhance cooperation between the countries on the welfare of farmed animals. The FTA recognises animals as sentient beings and commits to not weakening animal welfare in order to encourage trade.

1.1.1.4 What are some of the issues facing the sector?

VCNZ sees that these issues are currently facing the sector

The Veterinarians Act has not been reviewed and amended to keep pace with changes to the veterinary industry over the last 16 years. There are a number of key potential regulatory gaps that present risks to the public interest.

Key issues that face the industry are:

- Issue 1: The public lacks information about which AVPs are competent to practise, and there is a range of qualifications and experience throughout the sector, with little transparency. AVPs therefore may not be able to effectively utilise their skills.
- Issue 2: AVPs do not have the same professional protection as veterinarians. VCNZ currently sets standards for veterinarians and measures against those standards to ensure the profession performs to a high quality. AVPs are not subject to the same standards. That also means that there is a heavy reliance on veterinarians to be accountable for AVP behaviour via VCNZ processes.
- Issue 3: Legislative responsibility sits with veterinarians. Therefore, veterinarians are also responsible for most of the risk associated with veterinary practice.
- Issue 4: Stress and poor mental health are factors that significantly affect the veterinary sector.
- Issue 5: There is a shortage of veterinary professionals in New Zealand, including veterinarians and AVPs.

³ He Waka Eke Noa *Our Work* www.hewakaekenoa.nz.



1.1.1.5 What's the impact on the role of Allied Veterinary Professionals?

Role of AVPs

Without any legislative responsibility, educated and experienced AVPs (such as veterinary nurses) may be limited and unable to perform more complex and challenging roles, which a number of AVPs have reported that they would like to do.⁴ AVPs are often working with the veterinarians and in many workplaces nurses are the ones caring for patients in hospital and the veterinarians rely heavily on the nurses to be able to track, identify and report changes in the patients status.

The qualification structure is set up for some AVPs, and the role of some AVPs is well understood in the industry. While there are formal qualifications for most AVPs, there currently is no protection of title meaning that any lay person could work as a veterinary nurse or veterinary technician. This results in a lack of title protection for those AVPs, for example veterinary nurses, who have recognised qualifications (sometimes up to Masters' level). This creates the risk of qualified and experienced AVPs experiencing low levels of job satisfaction, and moving overseas or leaving the profession, placing more pressure on those who do stay.

There is evidence that a lack of autonomy is a risk factor for burnout and the ability to develop and use skills at work have been shown to positively relate to work engagement.⁵

AVPs are on farms more often than veterinarians

There are many tasks on farms that are delegated to AVPs and performed without veterinarians being physically present.

As AVPs are on farms more regularly, they have more exposure to on-farm health issues. However, AVPs are under no legal obligation to report any issues that they notice, or to act to any competency standards.

It is challenging to quantify whether this is a significant risk to animals and herd/farm health without further information.

1.1.1.6 What's the impact of VCNZ not being able to set standards for AVPs or measure against quality standards like they can do for veterinarians?

AVPs are generally trained and qualified to perform a number of tasks. As the Veterinarians Act only provides for accountability for the veterinarian, these tasks must often be delegated or authorised in order for AVP's to undertake them. The lack of regulation, and the necessity

⁴ NZVNA *Industry Census and Salary Report* (2019), pg. 22.

⁵ Moir, F.M. and Van den Brink (2020) Current insights in veterinarians' psychological wellbeing, *New Zealand Veterinary Journal*, 68:1, 3-12.



of delegation from veterinarians to AVPs, means that there are risks present in veterinary practice that are unmitigated and unregulated.

Veterinarians are responsible if someone who is working under their supervision lacks training or appropriate guidance. However, if an AVP does not act within the direction from the veterinarian, or in accordance with their training, only individual employment action can be taken and VCNZ (or another regulator) cannot hold AVPs to certain standards.

AVPs are assets to the veterinary sector and in general do an excellent job. Some risk, however, does remain. For example, an AVP may undertake a minor procedure such as teat sealing or disbudding calves, acting under the direction of a veterinarian. If that AVP does not comply with the directions given, despite the training that they have been given, VCNZ or any other regulator could not ensure that AVPs work to certain standards (except if there was a breach of relevant animal welfare legislation or other criminal standards, which carry a very high burden of proof).

Case study: Error by a veterinary nurse

VCNZ was recently made aware of an incident where a dog sadly passed away while being prepared for surgery. A veterinary nurse was charged with administering an anaesthetic agent to the dog and unfortunately administered too much, resulting in its death. The nurse appeared to be receiving an appropriate level of supervision from a veterinarian but, on this occasion, did not perform to the standards expected. Because there were no serious concerns about veterinarian performance, VCNZ was not able to investigate and had no jurisdiction to consider the nurse's competence or conduct. The employer could take employment-related action but there was nothing stopping the nurse seeking employment elsewhere, without any restriction.

1.1.1.7 What's the impact of the legal responsibility sitting with veterinarians?

Within the veterinary sector, only veterinarians are a regulated profession. There are many activities undertaken in veterinary practice that are not undertaken by the veterinarian, but the overall responsibility sits with the veterinarian.

There are many aspects of the Code of Practice⁶ which lay the accountability and overall responsibility with the veterinarian, including:

- responsibility to educate co-workers
- obligations related to client relationships and informed consent
- notification of suspicion of the presence of organisms
- taking reasonable care to ensure their practice operates at a standard expected under the Code

⁶ VCNZ *Code of Professional Conduct for Veterinarians* (January 2020) <www.vetcouncil.org.nz>.



- stewardship expectations relating to medicines
- overall responsibility for controlled drugs.

Veterinarians can be hesitant to delegate even minor tasks due to this accountability, contributing to overwork and stress and preventing efficient operation of the veterinary system. While delegation is currently used, it leaves an unregulated gap in the system which poses a risk to animals and veterinarians. It also results in veterinarians being legally responsible for many of the actions of veterinary staff. Addressing that gap would mitigate the risk of unregulated AVPs and provide a more effective and efficient service to consumers.

There is substantial variation of responsibility taken on by AVPs in any given veterinary practice, depending on the veterinarian. That means that there are a number of qualified AVPs who are not allowed to undertake tasks in which they are trained. Alternatively, it also means that there are people without a relevant formal qualification who are being delegated tasks.

1.1.1.8 What's the impact on the stress and mental health of veterinarians and AVPs?

It is recognised that veterinarians⁷ and AVPs⁸ face stress and fatigue in their roles and this contributes to poor mental health of AVPs. This is due to a culmination of the factors outlined above: poor recognition and lack of acknowledgement of their important role in the veterinary ecosystem, understaffing, an overreliance on veterinarians in terms of responsibility, and lack of job satisfaction. Research shows that the risk of suicide among veterinarians is significant.⁹

1.1.1.9 What's the impact of the veterinary shortage in New Zealand?

There is currently a shortage of veterinarians in New Zealand and internationally.¹⁰ Veterinarians are listed in the Immigration Instructions as “other critical workers” and the New Zealand Veterinary Association (NZVA) determined in 2019 that a further 150 veterinarians are needed in New Zealand.¹¹ Closed international borders have only exacerbated that shortage.¹²

⁷ NZVA *Veterinary wellbeing* (September 2020) <www.nzva.org.nz>.

⁸ Harvey, L.C. *Stress and compassion fatigue in veterinary nurses in New Zealand* (2 February 2020) <www.theveterinarynurse.com>.

⁹ Moir, F.M. and Van den Brink (2020) Current insights in veterinarians' psychological wellbeing, *New Zealand Veterinary Journal*, 68:1, 3-12.

¹⁰ NZVA *Why is there a veterinary shortage?* (2019) <www.nzva.org.nz>.

¹¹ NZVA *Why is there a veterinary shortage?* (2019) <www.nzva.org.nz>.

¹² See, for example <https://www.nzva.org.nz/news/vet-shortage/>.



There are several potential reasons for the shortage of veterinarians in New Zealand, including: issues with staff retention, the increasing rural/urban divide, high levels of fatigue and overwork, limited numbers of graduates entering the profession (given the expense and limited intake of the degree), low remuneration relative to professions with similar qualification and entry requirements and international shortage.

The Ministry for Primary Industries (MPI) reports that border restrictions during COVID-19 intensified challenges experienced by the agriculture sector in attracting and retaining a multi-skilled workforce, including, for example, sheep pregnancy scanners and veterinarians.¹³

Due to these shortages, the veterinarian workforce is currently stretched, and the shortages could result in poor mental health and wellbeing in veterinarians, burn-out, or more veterinarians leaving clinical practice.

What's the impact of the AVP shortage in New Zealand?

The AVPRC has reported that there is a shortage of AVPs in New Zealand, with large numbers of roles being advertised and not filled. Because of the existing and projected shortage of veterinarians, it has been suggested that increasing the number of veterinary nurses/technicians per veterinarian is a reasonable approach to soften the impacts of the shortage and enhance access to care. To be effective, however, this approach would benefit from more complete development of the roles and contributions of veterinary nurses/technicians and a more thorough professional engagement of the entire healthcare team.¹⁴

¹³ Ministry for Primary Industries *Agriculture/Tapuwae Ahuwhenua: Portfolio Briefing* 2020.

¹⁴ https://www.marsveterinary.com/wp-content/uploads/2022/03/Characterizing%20the%20Need%20-%20VN%20-%20FINAL_2.24.pdf