



Ensuring a high standard of veterinary practice in South Australia

Discussion Paper



Government
of South Australia

Department of Primary
Industries and Regions

Ensuring a high standard of veterinary practice in South Australia

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All Enquiries

Department of Primary Industries and Regions
Veterinary Practice Act Review
33 Flemington Street
Glenside SA 5065
T 08 8429 0854
E PIRSA.VeterinaryPracticeActReview@sa.gov.au

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Acronyms

ACT	Australian Capital Territory
Animal care providers	Non-veterinary animal care service providers
AHPRA	Australian Health Practitioner Regulation Agency
AVA	Australian Veterinary Association
AVBC	Australasian Veterinary Boards Council
CPD	Continuing professional development
PIRSA	Department of Primary Industries and Regions
NSW	New South Wales
NT	Northern Territory
NZ	New Zealand
QLD	Queensland
SA	South Australia
SACAT	South Australian Civil and Administrative Tribunal
TAS	Tasmania
The Board	Veterinary Surgeons Board of South Australia
Veterinarians	Veterinary Surgeons as defined in the <i>Veterinary Practice Act 2003</i>
VIC	Victoria
VNCA	Veterinary Nurses Council of Australia
VP Act	South Australian <i>Veterinary Practice Act 2003</i>
VP Regulations	South Australian <i>Veterinary Practice Regulations 2017</i>
WA	Western Australia
WA Bill	Western Australia's Veterinary Practices Bill 2020

Introduction

The *Veterinary Practice Act 2003* (the VP Act) and *Veterinary Practice Regulations 2017* (the VP Regulations) regulate veterinary practice in South Australia (SA). The legislation provides for the registration of veterinary surgeons (veterinarians) and regulates the provision of veterinary treatment for the purposes of maintaining high professional standards of competence and conduct.

The Department of Primary Industries and Regions (PIRSA) is undertaking a review of the VP Act and the VP Regulations to ensure that SA maintains a contemporary and flexible framework that continues to meet the objectives of protecting animal health, safety and welfare and the public interest (including users of veterinary services).

There are currently 848 veterinarians registered in SA. The majority of veterinarians work in clinical practice offering professional services for companion, production/farm and equine/performance animals, direct to the public. The bulk of veterinary practices in SA are first opinion practices, with a small number of dedicated specialist/referral and emergency centres. A small subset of veterinarians are employed in non-clinical roles, including within Government. These veterinarians provide services in biosecurity, trade in livestock and livestock products, research institutions and in ancillary industries (e.g. veterinary pharmaceutical and nutrition companies).

In addition to the VP Act and the VP Regulations, veterinarians are required to comply with other legislation in relation to the provision of veterinary treatment in SA. This legislation includes:

- *Livestock Act 1997* and *Livestock Regulations 2013*
- *Animal Welfare Act 1995* and *Animal Welfare Regulations 2012*
- *Controlled Substances Act 1984* and *Controlled Substances (Poisons) Regulations 2011*
- *Agricultural and Veterinary Chemicals (South Australia) Act 1994*
- *Radiation Protection and Control Act 1982* and *Radiation Protection and Control (Ionising Radiation) Regulations 2015*

The VP Act is committed to the Minister for Primary Industries and Regional Development. PIRSA is leading this review, which includes engaging with and seeking feedback from a range of stakeholders including but not limited to:

- Animal welfare organisations
- Consumers of veterinary services and organisations representing consumers of veterinary services
- Veterinarians
- Universities and vocational education providers
- The Veterinary Surgeons Board of South Australia (the Board)
- Research organisations
- Professional veterinary membership associations
- Organisations that represent non-veterinary occupations

Scope of the review

This discussion paper is focussed primarily on the following topics:

- Structure of the Board
- Name of the Board
- Functions and powers of the Board

- Registration of veterinarians and veterinary paraprofessionals
- Fees and charges
- General offences
- Registration of veterinary premises
- Scope of veterinary treatment and the provision of veterinary treatment by non-veterinary animal care service providers

These topics have been identified following preliminary engagement with a number of stakeholder organisations, and by a PIRSA analysis of the VP Act and the VP Regulations including comparison with similar interstate and overseas legislation.

Specific questions regarding key components of this discussion paper have been included to help guide feedback for those wishing to make a written submission. These are listed under relevant sections and also compiled on pages 8 and 9. Submissions are encouraged for any or all questions and general feedback on the VP Act and the VP Regulations is also welcome.

It is important that the review is informed by a wide range of perspectives, including from organisations associated with the health, safety and welfare of animals, consumers of veterinary services, veterinarians and industry advocacy groups.

This discussion paper does not represent the policy positions of PIRSA and no decisions on legislative changes have been made at this stage. All suggestions put forward to help maintain a high professional standard of competence and conduct in the provision of veterinary treatment in SA will be considered in undertaking this review.

What will this review mean for veterinary practice in South Australia?

This review provides an important opportunity to examine the current relevance of the VP Act and the VP Regulations.

Once feedback has been received, consideration will be given to any legislative changes which may be required to ensure the contemporary regulation of veterinary treatment in SA for the protection of animal health, safety and welfare and the public interest.

Whilst this review is focussed on certain aspects of the VP Act and the VP Regulations to ensure they remain contemporary, there may also be changes identified as part of the process that would serve to reduce administrative burden and costs.

Feedback on this discussion paper is required via the YourSAy website by 31 January 2021. PIRSA will consider the feedback and report to the Minister for Primary Industries and Regional Development on the results of the consultation. Pending this report, a draft Bill will be prepared for further consultation and engagement with stakeholders on proposed legislative changes.

Submitting feedback

Please be advised that relevant content from your submission may be published online at the conclusion of the review or included in a final review report that is prepared. Personal details identifying you or your organisation, however, will not be published or included in the final report. If you wish to keep all, or certain aspects, of your submission confidential then please advise the department of this when making your submission.

Feedback can be provided by completing the online questionnaire available at:

YourSAy: www.yoursay.sa.gov.au/vet-practice-in-sa

More detailed responses can be emailed or posted to:

Email: PIRSA.VeterinaryPracticeActReview@sa.gov.au

Post: Veterinary Practice Act Review
 Biosecurity SA
 Department of Primary Industries and Regions
 33 Flemington Street
 Glenside SA 5065

Submissions close **5:00pm, 31 January 2021.**

Key questions

Submissions are welcome on all questions, or on a specific question or questions relevant to you or your organisation. Answering each question is not required in order to provide feedback.

Question 1: *Does the current composition of the Board, as required by the VP Act, provide an appropriate range of skills and experience? Yes or no? If no, what amendments could be considered and why?*

Question 2: *Should the name of the Board be changed to better reflect its role as a regulatory authority responsible for maintaining high professional standards in the provision of veterinary treatment in SA to protect animal health, safety and welfare and the public interest? Yes or no? Please explain the reasons for your answer.*

Question 3: *Are the Board's functions under the VP Act adequate to achieve and maintain high professional standards of competence and conduct in the provision of veterinary treatment in SA? Yes or no? Please explain the reasons for your answer.*

Question 4: *Are additional functions of the Board, or amendments to existing functions, required to ensure a modern, independent and responsible governance approach in regulating the veterinary profession? Yes or no? Please explain the reasons for your answer.*

Question 5: *Do the registration functions of the Board align with contemporary practice in regulating a profession whilst maintaining professional standards in the provision of veterinary treatment? Yes or no? Please explain the reasons for your answer.*

Question 6: *Should a simple notification system be introduced for deemed registrants to ensure all veterinarians working in SA at any given time are contactable? Yes or no? Please explain the reasons for your answer.*

Question 7: *Are there any additional categories of registration that should be considered under the VP Act? Yes or no. If yes, what categories? Please explain the reasons for your answer.*

Question 8: *Should veterinary technicians and/or veterinary nurses be registered or approved by the Board under the VP Act? Yes or no? If yes, what requirements should be met, what obligations should apply and what acts of veterinary treatment should be permitted to be performed by these paraprofessionals and why?*

Question 9: *Should veterinary services providers be subject to the same requirement imposed on veterinarians, to satisfy the Board that they are fit and proper persons? Yes or no? Please explain the reasons for your answer.*

Question 10: *What are alternative funding models to ensure appropriate standards of veterinary services, while reducing administrative and financial burden on the veterinary industry?*

Question 11: *Should the VP Act be amended to empower the South Australian Civil and Administrative Tribunal (SACAT) to award costs against a party to legal proceedings, as considered just and reasonable by SACAT? Yes or no? Please explain the reasons for your answer.*

Question 12: *Should the prohibition on the provision of veterinary treatment by non-veterinarians be irrespective of whether or not the treatment is being performed for fee or reward? Yes or no? Please explain the reasons for your answer.*

Question 13: Are there any offences within the VP Act that you consider unnecessary and should be removed, or alternatively placed into a code of conduct or professional standard? Yes or no? Please explain the reasons for your answer.

Question 14: Should the VP Act enable the registration of all veterinary premises, thereby enabling the Board to set standards for all practices? Yes or no? Please explain the reasons for your answer.

Question 15: Is the definition of veterinary treatment contemporary and does it adequately reflect the provision of services appropriate to be delivered by veterinarians in the interests of protecting animal health, safety and welfare and the public interest. Yes or no? Please explain the reasons for your answer.

Question 16: Should any types of non-veterinary animal care service providers be able to provide first-line veterinary treatment, or aspects of veterinary treatment, to animals (not including the administration of drugs or performing surgery)? Yes or no. If yes, what providers (and/or qualifications), what procedures specifically, and why?

Question 17: Are there any procedures performed on animals, that currently fall within the VP Act's definition of veterinary treatment, that you believe should be excluded in the VP Regulations? Yes or no. If yes, which procedures and why?

Question 18: Are there any procedures that should be explicitly specified in the VP Regulations that they are only to be performed by veterinarians? Yes or no. If yes, which procedures and why?

Question 19: Do you support the proposed alignment of the VP Regulations with the Animal Welfare Regulations 2017 with regards to mulesing (sheep), dehorning (cattle, sheep), castration (cattle, sheep, pigs) and tailing (lambs)? Yes or no? Please explain the reasons for your answer.

Board structure

Board structure

The VP Act's functions are delivered through a statutory body, the Veterinary Surgeons Board of South Australia (the Board).

The Board is comprised of 8 members, appointed by the Governor. Board members must have a range of expertise covering veterinary practice, university teaching, legal practice, animal health, safety and welfare knowledge and community use of veterinary services. As required by the VP Act, current Board composition is as follows:

- 1 veterinarian nominated by the SA Division of the Australian Veterinary Association (AVA)
- 1 veterinarian engaged in teaching veterinary science nominated by the Council of The University of Adelaide
- 3 veterinarians nominated by the Minister – at least 1 must have experience or knowledge relating to animals used for primary production or horses, and at least 1 of whom must have experience or knowledge relating to other animals
- 1 legal practitioner nominated by the Minister; and
- 2 persons who are not veterinarians nominated by the Minister, at least 1 of whom must have experience relating to animal health, safety and welfare.

Deputies to members

The VP Act has provision for appointing persons as deputies to members. However, for most members a deputy has not been required for the efficient functioning of the Board in recent years, with quorums able to be achieved at meetings. The routine appointment of deputies is associated with unnecessary administrative costs.

The Board has, however, had a deputy to the presiding member who has assisted with progressing specific tasks and chairing meetings and hearings in the event that the presiding member is unavailable.

Presiding member

The Board is a regulatory body and must make decisions affecting personal and business affairs in the public interest. These decisions must be made in accordance with the legal principals of procedural fairness and natural justice. The Board must also conduct hearings when required to determine applications for registration and reinstatement of registration, applications for variation and revocation of registration conditions, and to inquire into medical unfitness following due investigation.

The VP Act requires that the presiding member of the Board must be a legal practitioner. In comparison, some other jurisdictions require the presiding member to be a veterinarian. However, a legal practitioner is required to be a member of the equivalent board in Victoria (VIC) and is also proposed in Western Australia's (WA's) Veterinary Practices Bill 2020 (the WA Bill).

Other similar SA regulatory bodies also have legal practitioners sitting on their boards to assist with their deliberations on regulatory matters. Pursuant to the Teachers Registration and Standards (Miscellaneous) Amendment Bill 2020, which was introduced into the South Australian House of Assembly in March 2020, at least one legal practitioner is required to be a member on the Teachers Registration Board of South Australia (this is also a requirement under the currently applicable legislation, the *Teachers Registration and Standards Act 2004*). The same provision exists for the Architectural Practice Board of South Australia, pursuant to the *Architectural Practice Act 2009*. Legal practitioner members are appointed for their legal skills. They are expected to contribute those skills for the benefit of the board at no extra cost beyond approved sitting fees. Without this legal expertise and

experience, boards may be required to engage a solicitor on a fee for service basis to ensure regulatory decisions are legally sound and to minimise the risk of appeals, which are costly and may cause reputational harm.

A veterinarian presiding member, however, may be considered by some as more appropriate than a legal practitioner as many of the Act's functions relate specifically to registration and activities of veterinarians. A veterinarian presiding member may therefore be considered to bring to the Board the advantage of having a greater understanding of the profession and the nature of veterinary practice generally.

Alternatively, given the regulatory nature of the Board's functions, it may be viewed as desirable and necessary for the presiding member to not be a veterinarian but rather someone who has appropriate animal welfare expertise and is sufficiently distanced from the veterinary industry to avoid actual or reasonably perceived conflicts of interest. In what is a relatively small profession in SA, conflicts of interest are relatively common and would need to be routinely managed if the presiding member of the Board were a veterinarian. A presiding member who is not a veterinarian also circumvents issues associated with any perception by the public of professional bias or 'self-protection' in the Board's role of regulating veterinarians in the public interest. This consideration may be considered particularly relevant given that the majority of members of the Board (62.5%) are required to be veterinarians.

Nominated members

There is currently a provision for the AVA, the peak advocacy body for the veterinary profession, to nominate a veterinarian for the Board. This is not a requirement in most states and territories, New Zealand (NZ) or Canada (Ontario). This is also not a requirement of the proposed WA Bill (although it is currently a requirement of Western Australia's *Veterinary Surgeons Act 1960*).

Similarly, the requirement for a veterinarian engaged in teaching veterinary science to be nominated by the Council of The University of Adelaide is unique to SA.

The practice of professional membership associations and educational institutions nominating members to the Board can easily cause the misunderstanding that members are appointed to represent the interests of the nominating body. However, it is a principal of public law that members of Government boards are appointed as individuals and owe a duty to the board.

Alternative approaches could be considered to require a specific skill set of nominees. For example, to require a member to be involved in teaching veterinary science, rather than being a nominee of the university as such. This would provide clarity to the public and the profession that board members are independent and do not represent the interests of the body that nominated them.

Other veterinary members

There is currently no legislative requirement for appointment of a State Government employed veterinarian as a member of the Board. This is a requirement in five other states or territories. However, it should be noted that the Board currently has, and has had in recent years, a senior PIRSA veterinarian appointed as a member. An understanding of government veterinary practice, including the regulation of and response to animal disease, animal welfare legislation and the use of veterinary medicines and agricultural chemicals, may be considered an important skill set to formally include on the Board.

Other requirements include appointing 3 veterinarians – including at least 1 with experience or knowledge relating to animals used for primary production or horses and at least 1 with experience or knowledge relating to other animals. However, this has the potential to result in there being no veterinarian appointed with experience or knowledge relating to companion animals. This scenario could be of concern given that the majority of SA's veterinarians service the companion animal sector of the industry.

Additionally, the grouping of production animals or horses into one category of membership may be considered outdated and not reflective of the increasingly more specific services provided to each of these sectors.

Most jurisdictions do not specify the experience or knowledge required of veterinary board members, except New South Wales (NSW) which ensures that specialists, urban veterinarians, rural veterinarians and academics are represented by 4 of the 6 veterinary members appointed.

Question 1: Does the current composition of the Board, as required by the VP Act, provide an appropriate range of skills and experience? Yes or no? If no, what amendments could be considered?

Board name

The Board's name, the Veterinary Surgeons Board of South Australia, may contribute to the misinterpretation by some members of the public that the Board is not established to regulate veterinarians to protect the public interest but rather, that it is established to act for and in the interests of veterinarians.

Similarly, the naming of the Board may contribute to a common misunderstanding that the Board is there to provide membership services to the profession, when it is actually there to regulate the profession in the public interest. Membership services are provided by non-government veterinary membership associations such as the AVA, which are established to advocate in the interest of protecting their members.

An alternative name could be considered to clarify the Board's role as a regulatory authority, such as the Veterinary Practice Regulatory Authority of South Australia or the Veterinary Practice Board of South Australia. This is similar to the approach taken for other statutory regulatory authorities such as the Australian Health Practitioners Regulation Authority (which regulates human health professionals in the public interest), the Architectural Practice Board of South Australia (which regulates architects in the public interest) and the Dairy Authority of South Australia (which regulates the safe production of dairy products by the dairy industry).

A similar approach has been proposed for adoption in WA. The WA Bill proposes that the name of the board be changed from the Veterinary Surgeons' Board of Western Australia to the Veterinary Practice Board of Western Australia.

Question 2: Should the name of the Board be changed to better reflect its role as a regulatory authority responsible for maintaining high professional standards in the provision of veterinary treatment in SA to protect animal health, safety and welfare and the public interest? Yes or no? Please explain the reasons for your answer.

Board functions and powers

The Board has been operating in various forms since the first *Veterinarians Act 1935*. The VP Act's aim is to protect animal health, safety and welfare and the public interest with respect to the provision of veterinary treatment in SA. Accordingly, the statutory functions of the Board are to:

- recognise courses of education or training that provide qualifications for registration, including for registration on the general register or the specialist register
- determine the requirements necessary for registration on the general register or the specialist register

- determine the specialties in which a person may be registered on the specialist register
- establish and maintain the registers contemplated by the Act
- prepare or endorse codes of conduct and professional standards for veterinarians
- prepare or endorse guidelines on continuing education for veterinarians
- establish administrative processes for handling complaints received against veterinarians or veterinary services providers (which may include processes under which the veterinarian or veterinary services provider voluntarily enters into an undertaking)
- provide advice to the Minister; and
- carry out other functions assigned to the Board by or under the Act, or by the Minister.

These functions are similar to those of other veterinarians boards in the jurisdictions reviewed.

Question 3: Are the Board's functions under the VP Act adequate to achieve and maintain high professional standards of competence and conduct in the provision of veterinary treatment in SA? Yes or no? Please explain the reasons for your answer.

Question 4: Are additional functions of the Board, or amendments to existing functions, required to ensure a modern, independent and responsible governance approach in regulating a profession? Yes or no? Please explain the reasons for your answer.

Registration

The VP Act makes provision for the keeping, and making available, of appropriate registers of veterinarians under the VP Act, along with veterinarians who have been removed from a register. The registers must be kept up-to-date and access to the public must be provided.

Eligibility for registration

The VP Act sets out the prerequisite matters for the Board to consider in determining eligibility for registration.

These eligibility criteria are that the person:

- a) has qualifications recognised by the Board for general and/or specialist registration
- b) has met any requirements determined by the Board to be necessary for registration
- c) is medically fit (physically and mentally) to provide veterinary treatment as a veterinarian
- d) is a fit and proper person to be registered
- e) is insured in a manner and to an extent approved by the Board against civil liabilities that might be incurred in the course of providing veterinary treatment as a veterinarian
- f) has or intends to have their principal place of residence in SA.

These generally reflect the provisions of the legislation in other jurisdictions, although criteria (e) above is for the most part not a registration pre-requisite in any other jurisdiction except the Australian Capital Territory (ACT).

Categories of registration

Under the VP Act, veterinarians may be registered under the following categories:

1. General registration on the general register – with or without conditions which may be imposed by the Board.

2. Specialist registration on the specialist register – with or without conditions which may be imposed by the Board.
3. Limited registration on the general and specialist registers – which allows the Board to register veterinarians who may not meet one or more of the eligibility criteria above: (a) to enable them to do what is necessary to become eligible for full registration, teach or undertake research or study, or engage in veterinary science while visiting the state; or (b) if in the opinion of the Board it is in the public interest to do so.
4. Provisional registration on the general and specialist registers – which allows the Registrar of the Board to provisionally register a person where the person has met the eligibility criteria under the Act, and therefore it appears likely that the Board will grant registration. Provisional registration remains in force until the Board determines the application at a meeting.
5. Deemed registration on the general and specialist registers – which deems any veterinarian registered in another Australian jurisdiction to be registered in SA without the need for any administrative process on the veterinarian or the Board's behalf or payment of registration fees in SA.

In general, the registration categories for veterinarians in SA are similar to those in other jurisdictions and also allow the Board to approve courses of education or training which make veterinarians eligible for registration.

Under the VP Act, the Board may act on the recommendation of the Australasian Veterinary Boards Council (AVBC) relating to the recognition of courses of education or training. However, this is not a mandatory requirement under the VP Act. In 2018 the Board, after a period of consultation with the AVBC, chose to resign due to concerns about the AVBC's structure and governance, and concerns about value obtained from the cost of its annual membership subscription. The Board's detailed reasoning for its decision is [here](#). SA is only one of two jurisdictions that has included reference of the AVBC in legislation (the other being NSW).

SA and all other jurisdictions, except VIC, provide for a form of provisional registration, which may be granted by the Registrar (for eligible applicants) pending the Board's determination of the application. This enables applicants for registration to commence practicing promptly between meetings of the Board, providing that they are assessed to be eligible for registration under the VP Act.

Whilst the terminology differs, SA and most other jurisdictions may grant 'limited' registration when an applicant does not hold a qualification that is required for full registration. This provision allows, for instance, such a person to teach or undertake research, to do what is necessary to become qualified for full registration (e.g. pass the Australasian Veterinary Examination), and to provide short-term veterinary services while visiting SA. Such registration may be subject to conditions such as a requirement to practise under supervision.

The VP Act also allows the Board to grant limited registration in certain circumstances or if, in its opinion, it would be in the 'public interest' to do so. The Board has granted limited registration in the public interest to several registrants (e.g. those practising in the aquaculture, meat and poultry industries). This may become increasingly relevant in the future if further shortages of veterinarians in rural practice and niche sectors is faced. Limited registration may also be utilised in SA to assist in controlling or managing a veterinary emergency, such as an outbreak of an exotic disease.

Question 5: Do the registration functions of the Board align with contemporary practice in regulating a profession whilst maintaining professional standards in the provision of veterinary treatment? Yes or no? Please explain the reasons for your answer.

Deemed registration

Deemed registration, enabling any veterinarian registered in another Australian jurisdiction to be registered in SA is not associated with any administrative process which requires the veterinarian to notify the Board. While administratively efficient, this approach means that, at any point in time, it is not known to the Board who is practicing under deemed registration in SA as there is no register of deemed registrants.

COVID-19 has highlighted the importance of the Board being able to circulate information to veterinarians practicing in SA about important regulatory matters such as newly issued guidance on telemedicine. However, it is not possible for the Board to communicate with deemed registrants as their names and contact details are unknown. Consideration could be given to a simple notification system requiring a deemed registrant to provide their name and contact details to the Board prior to or upon practicing in SA.

The ability of the Board to contact all veterinarians practicing in SA at any time would also be of importance in responding to and managing animal disease outbreaks or other emergency events.

Question 6: Should a simple notification system be introduced for deemed registrants to ensure all veterinarians working in SA at any given time are contactable? Yes or no? Please explain the reasons for your answer.

Registration of new graduate veterinarians

An additional category of registration for consideration relates to new graduate veterinarians. It has been proposed that conditions relating to appropriate supervision and the demonstration of set competencies, prior to the granting of general registration, be considered for new graduates.

Whilst this may be perceived as being restrictive on new graduates, the intention is similar to the system in place for graduating medical doctors who are provisionally registered until completion of a 12-month period of approved supervised practice in Australia. The protection of animal health, safety and welfare and the public interest remains paramount. Fostering a supportive, mentoring culture for new veterinarians may also assist in better supporting their entry into the workforce, which is known to be a highly stressful occupation. This, in turn, may foster longer term retention of graduates in the profession.

Registration of non-practising veterinarians

There is currently no category of registration for non-practising veterinarians. Examples of these may be retired veterinarians who wish to maintain registration, veterinarians on parental leave, or veterinarians unable to practise due to illness. This category of registration exists for medical practitioners.

A non-practising category of registration could be considered as beneficial to keep a pool of veterinarians registered for the purposes of responding to emergency animal disease outbreaks, or to provide fee relief for veterinarians who do not wish to maintain registration for the purpose of practicing.

Due consideration would need to be given to the level and type of continuing professional development required while non-practising, or upon reinstatement of registration, in order to ensure the purpose of the VP Act is upheld.

Question 7: Are there any additional categories of registration that should be considered under the VP Act? Yes or no. If yes, what categories? Please explain the reasons for your answer.

Registration of veterinary nurses and/or veterinary technicians

WA is the only jurisdiction to currently specify requirements for 'approval' of veterinary nurses. This approval enables veterinary nurses to carry out prescribed duties and provide certain veterinary services. These duties are defined in the Regulations and include the following:

- (a) dressing of wounds and post-surgical care of sick and injured animals;
- (b) administering scheduled drugs both orally and parenterally under direction of a registered veterinarian;
- (c) setting up and supervising intravenous drips and transfusions;
- (d) dispensing scheduled drugs prescribed by the registered veterinarian;
- (e) taking radiographs and acting as Safety Officer under the *Radiation Safety Act 1975*;
- (f) monitoring gaseous anaesthesia during surgical procedures;
- (g) assisting the registered veterinarian during performance of surgical procedures;
- (h) performing of minor dental procedures under supervision;
- (i) supervision, care and nursing of hospitalised animals; and,
- (j) performing of clinical laboratory procedures under supervision of a registered veterinarian.

Following due inquiry, veterinary nurses in WA can be found guilty of unprofessional conduct and a number of penalties can apply, including the refusal to renew their certificate of approval. No financial penalties can be imposed.

Under the proposed WA Bill, veterinary nurses will be eligible for registration, subject to meeting various requirements, including qualifications, current knowledge and practical experience, physical and mental capacity as well as being a fit and proper person.

The University of Adelaide offers a Bachelor of Veterinary Technology, with the first Veterinary Technologists due for graduation in 2022. Veterinary technicians are mid-tier veterinary support staff, bridging the gap between vocationally trained veterinary nurses and veterinarians. The degree offers broader employment outcomes to veterinary nursing and aligns with the inter-professional teamwork approach used to deliver human healthcare.

The registration of veterinary technicians and/or veterinary nurses under the VP Act could be considered in the interest of protecting animal health, safety and welfare and the public interest, by ensuring the provision of specified duties by appropriately trained paraprofessionals is regulated.

Registration of paraprofessionals according to their vocational or tertiary qualifications would offer legislative protection of their associated titles in SA – veterinary nurse or veterinary technician. This would give clarity and assurance to the public that anyone claiming expertise, by utilisation of these titles, is qualified and regulated. Additionally, registration or approval to perform specified duties would enable these trained paraprofessionals to no longer be restricted by legislated provisions aimed at untrained 'lay people'.

Alternatively, as defined professions, it may be more appropriate for the regulation of veterinary technicians and veterinary nurses to be the responsibility of professional associations, such as the Veterinary Nurses Council of Australia (VNCA), rather than expanding the scope of the VP Act and adding additional administrative burden to the Board.

In 2019 the VNCA launched the Australian Veterinary Nurse and Technician Registration Scheme as a voluntary scheme. This scheme reflects a thorough and transparent self-regulation program that sets standards of professional practice across the veterinary nursing industry. The scheme recognises appropriate nursing qualifications and recency of practice, sets continuing professional development (CPD) requirements, day 1 competencies and other policies to be adhered to. A disciplinary process and disciplinary committee has also been established.

Question 8: Should veterinary technicians and/or veterinary nurses be registered or approved by the Board under the VP Act? Yes or no? If yes, what requirements should be met, what obligations should apply and what acts of veterinary treatment should be permitted to be performed by these paraprofessionals and why?

Veterinary services providers

A veterinary services provider is a person (either a natural person or a legal entity such as a company) who is not a veterinarian and who provides veterinary treatment through the instrumentality of a veterinarian. For example, a person who is not a veterinarian is defined by the VP Act to be a veterinary services provider if he or she owns a veterinary practice either solely or in partnership with a veterinarian or veterinarians.

Subject to the VP Act, a person is eligible for registration as a veterinarian if that person, on application to the Board, satisfies the Board, amongst other things, that he or she is a fit and proper person. No such provision exists for veterinary services providers.

This may be of particular concern if there are demonstrable risks to the public. For example, if a veterinary services provider has been convicted of a drug trafficking criminal offence, due to the accessibility that person would have to controlled substances in their veterinary premises.

Question 9: Should veterinary services providers be subject to the same requirement imposed on veterinarians, to satisfy the Board that they are fit and proper persons? Yes or no? Please explain the reasons for your answer.

Fees and charges

The Board's operations are funded entirely from fees and charges fixed under the VP Act (i.e. a full cost recovery model). The VP Act provides the necessary powers for the Board to set fees and charges as is the case in most other jurisdictions. Fees and charges are set at a level to ensure the Board is able to meet its operational costs and maintain adequate reserve funds, with the bulk of such revenue coming from annual practice fees charged to veterinarians.

In recent years the Board has established a responsible operational reserve to ensure it has the funding it requires to perform its regulatory responsibilities, including costs of legal proceedings.

Currently the Board receives no funding from the SA Government. This mirrors the self-funded arrangement in the majority of Australian jurisdictions (VIC, NSW, WA and TAS) and also in NZ and Canada.

Board operations are subsidised by the government in Queensland (QLD), Northern Territory (NT) and the ACT. Additionally, in TAS, although the Veterinary Board receives no funding from the Government, it benefits from the provision by the Crown Solicitor of free legal advice and representation. This is not the case in SA or for the other self-funded veterinary boards.

Fees and charges are payable for veterinary registration, veterinary services provider annual listings, veterinary facility hospital accreditation applications, and for other services provided by the Board such as issuing letters of professional standing to interstate and overseas regulatory authorities.

The Board does not charge the public for notifying it of concerns about the conduct or competence of veterinarians.

In recent years the Board has faced increasing legal costs and determined that contingencies need to be made lest such costs exceed fund reserves. Board revenue versus its expected functions is also

constrained compared to other larger jurisdictions, which benefit from economies of scale, due to the lower number of registered veterinary surgeons in SA. Accordingly, the Board has determined it needed to set registration fees in recent years which are higher compared to the other self-funded jurisdictions.

Question 10: What are alternative funding models to ensure appropriate standards of veterinary services, while reducing administrative and financial burden on the veterinary industry? Please provide details.

Recovery of costs

Since 4 May 2020 the South Australian Civil and Administrative Tribunal (SACAT), rather than the Board, hears and determines disciplinary proceedings alleging unprofessional conduct against veterinarians. SACAT also reviews certain decisions made by the Board, including a refusal to register a person and the imposition of conditions on a person's registration.

Prior to this change, the Board had the ability to award costs against a party to disciplinary proceedings, as were considered just and reasonable, and recover those costs as a debt. A person who was dissatisfied with the amount of costs fixed by the Board had the ability to apply for a Master of the Supreme Court to confirm or vary the amount of costs. This enabled the Board to recover a portion of its costs directly from a veterinarian who had been found guilty of unprofessional conduct, rather than having to recover those costs across fees and charges payable by all veterinarians.

Provision for SACAT to award costs in the case of disciplinary proceedings was not included in the SACAT legislative amendment to the VP Act. This does not align with case law, in that a successful party has the reasonable expectation that they will be awarded costs.

Amending the VP Act to empower SACAT to award costs against a party to proceedings would enable the successful party, whether that be the Board or the veterinarian, to apply to SACAT for an award of costs.

Question 11: Should the VP Act be amended to empower the South Australian Civil and Administrative Tribunal (SACAT) to award costs against a party to legal proceedings, as considered just and reasonable by SACAT? Yes or no? Please explain the reasons for your answer.

General offences

Prohibition on provision of veterinary treatment for fee or reward by unqualified persons

Pursuant to Section 39 of the VP Act, it is an offence for non-veterinarians to perform acts of veterinary treatment. The purpose of this offence is the protection of animal health, safety and welfare and the public interest.

This prohibition, however, does not apply in relation to veterinary treatment provided by an employee of the owner of the animal in the course of that employment. Similarly, the performance of veterinary treatment by an unqualified person without fee or reward is unregulated by the VP Act.

Such persons are still subject to the *Animal Welfare Act 1985*, which provides for some protection of animals (excluding fish) by making it an offence to ill-treat an animal by causing unnecessary harm. Nonetheless, these exceptions to permit unqualified veterinary treatment could be perceived as being contradictory to the objects of the VP Act.

Any proposal to change this would need to consider how compliance would be undertaken, including how it would intersect with compliance processes under the *Animal Welfare Act 1985*.

Question 12: Should the prohibition on the provision of veterinary treatment by non-veterinarians be irrespective of whether or not the treatment is being performed for fee or reward? Yes or no? Please explain the reasons for your answer.

South Australian-specific offence provisions

Of the general offence provisions, contained in Part 4, Division 1 – General offences, some do not appear in comparative legislation in many other jurisdictions. Some SA specific provisions, however, have been incorporated, or are being considered for incorporation, into the Acts of other jurisdictions as they have been identified as appropriate and valuable. On the other hand, some provisions that are largely administrative with no tangible benefit to protecting animal health, safety and welfare and the public interest may require review, removal from the Act or need to be expanded.

The key provisions identified include:

- Section 43: Board approval required where veterinarian has not practiced for 3 years
- Section 45: Information relating to a claim against a veterinarian to be provided (to the Board)
- Sections 46 to 48: Provisions for avoidance of conflicts of interest
- Sections 52 to 54: Accreditation of veterinary hospitals

Board's approval required where veterinarian has not practiced for 3 years

This provision (Section 43), which is not reflected in any other jurisdiction reviewed, requires that a veterinarian who has not provided veterinary treatment for three years or more must not provide veterinary treatment for fee or reward without first obtaining the approval of the Board. A standard approval pathway is not specified in the VP Act (e.g. CPD requirements, hours of supervised practice required etc.). This provision carries a maximum penalty of \$20,000.

The provision is intended to ensure that animal health, safety and welfare and the public interest is protected by ensuring veterinarians practicing in SA have the appropriate recent experience, knowledge and competence.

Veterinarians in SA are required to adhere to the 'Code of Professional Conduct for Veterinary Surgeons' (the Code) which defines appropriate professional conduct. Non-compliance with any aspect of the Code is considered unprofessional conduct and in breach of the VP Act. The Code includes provisions such as:

- Except in an emergency where immediate relief of suffering is paramount, veterinarians have a duty to operate only in fields in which they are competent to do so unless supervised by a colleague with competence in the field.
- Veterinarians must keep abreast of knowledge and skills in their field of endeavour and accept the obligation to continue their education and so further their professional knowledge and competence.
- A veterinarian should, at all times, diligently maintain knowledge of current standards of veterinary science.
- Professional procedures should always be carried out in accordance with current standards of veterinary science.

The adherence to the Code, which could be expanded further if required, might be argued as a more suitable means of ensuring veterinarians returning to practice do so in a manner suitable for the protection of animal health, safety and welfare and the public interest, rather than by a specific 3 year provision and offence in the VP Act.

Similarly, the Code or a separate stand-alone guideline, could also include additional requirements for veterinarians who significantly change the type of veterinary practice in which they are engaged (e.g. from equine practice to companion animal practice).

Information relating to claim against veterinarian to be provided (to the Board)

This provision (Section 45) is unique to SA and carries a maximum penalty of \$10,000. Under this provision, a veterinarian must provide the Board with prescribed information should a person claim damages or other compensation from that veterinarian for alleged negligence in providing veterinary services. This includes if any order is made to pay damages or any agreement entered into for payment in settlement of a claim (whether with or without a denial of liability).

The purpose of this provision is to ensure that the Board is made aware of serious claims of negligence made against veterinarians where compensation has been demanded, and in some cases paid. It enables the Board to take appropriate action where required (informal or formal) in a case that would not otherwise come before the Board if, for example, a member of the public is unaware of the existence of the Board and the notification ('complaint') process.

In preference to a specific offence in the VP Act consideration could also be given to the inclusion of this requirement in the Code or other guideline.

Provisions for avoidance of conflicts of interest

This set of provisions (Sections 46 to 48) is not found in the legislation of other jurisdictions reviewed. The provisions, which all carry maximum penalties of \$20,000, aim to regulate veterinarians and their prescribed relatives (the parents, spouse, domestic partner, child, grandchild, or siblings of the veterinarian) with the presumed aim to avoid any conflicts should veterinarians have an interest in a prescribed veterinary business. This is a business which provides a veterinary service or which manufactures and/or supplies veterinary products.

These clauses require veterinarians to give to the Board information relating to any interest they or their extended relatives may have in a 'prescribed business', including giving the Board further information should any details of their or their relatives' interests change.

Furthermore, the Board must keep a record of that information and keep it available to any person for inspection or to make available by electronic means.

These provisions also prohibit a veterinarian from recommending to a client (of an animal they are treating) a veterinary service or veterinary product in which they have an interest as defined in the VP Act, unless the veterinarian has informed the client in writing of the interest of that veterinarian and/or their extended relatives, in that service or product.

Other jurisdictions deal with similar provisions concerning conflicts of interest in their Codes of Conduct. A similar approach may be considered as more suitable for dealing with conflicts of interest in SA.

Question 13: Are there any offences within the VP Act that you consider unnecessary and should be removed or placed into a code of conduct or professional standard? Yes or no? Please explain the reasons for your answer

Registration of veterinary premises

SA is the only jurisdiction that requires only veterinary hospitals to be accredited by the Board. In WA, ACT, QLD and NSW all veterinary premises, including hospitals, are required to be licenced or registered. In VIC, TAS and NT, however, there are no such requirements.

Veterinary hospital accreditation in SA requires a physical inspection of premises, undertaken by an external contractor. Accreditation renewal is required every 3 years. If the Board is not satisfied that the requirements and standards it has set for veterinary hospitals are being met by a facility, it may suspend or cancel the accreditation of that facility. Section 52 of the VP Act makes it an offence (with a maximum penalty of \$20,000) for a person to hold a facility as a veterinary hospital, unless it is accredited by the Board.

The accreditation requirement does not apply to the veterinary clinics that do not wish to call themselves a hospital, which is the majority of veterinary premises in the State. Accordingly, the Board currently only has power under the VP Act to set standards for accredited veterinary hospitals. It does not have the power to set standards for veterinary premises.

On 23 October 2019 the SA Coroner's Court released findings in relation to a joint inquest into the deaths of two women who died as a result of self-inflicted pentobarbitone (euthanasia solution) toxicity. The Deputy State Coroner made the following recommendation to the Minister for Primary Industries and Regional Development:

1) That the Veterinary Practice Act 2003 be amended to provide the Veterinary Surgeons Board of South Australia with jurisdiction in respect of veterinary practices other than veterinary hospitals such that the Board would have power to impose requirements in respect of the storage of, and maintenance of records with respect to, substances kept on the premises of and transported by all veterinary practices including hospitals and other practices and service providers.

Given this recommendation an alternative approach in SA is the registration of all veterinary premises (including vehicles in the case of mobile businesses) without differentiation between practices (clinics versus hospitals for example).

Existing hospital premises could still participate in industry certification schemes to differentiate standards of care provision, facilities and equipment. Such an example would be the AVA Accredited Veterinary Hospital Scheme, which recognises companion animal practices that achieve the highest levels of quality healthcare and practice management in innovative, state-of-the-art hospital facilities.

Question 14: Should the VP Act enable the registration of all veterinary premises thereby enabling the Board to set standards for all practices? Yes or no? Please explain the reasons for your answer.

Scope of veterinary treatment and non-veterinary animal care service providers

As part of this review process consideration should be given to ensuring that both excluded and declared acts of veterinary treatment in SA:

- fulfil, and continue to fulfil, the object of the VP Act to protect animal health, safety and welfare and the public interest;
- contribute positively to animal care;
- are not anti-competitive; and,
- are consistent with other jurisdictions (where appropriate).

It could be beneficial to provide further clarity in the VP Act and VP Regulations around the appropriate provision of services by non-veterinary animal care service providers (animal care providers), to make clearer the distinction from veterinary treatment, where needed. This could include:

1. amending the definition of veterinary treatment in the VP Act

2. exempting specific acts of veterinary treatment provided by some animal care providers by the Regulations
3. declaring activities to be acts of veterinary treatment by the Regulations
4. recognising certain animal care providers and provide exemption, through the Regulations, for them to undertake specified aspects of veterinary treatment.

Any decision relating to these options would need to be subject to a formal technical assessment and stakeholder consultation, to ensure alignment with the objects of the VP Act.

The VP Act and VP Regulation provisions related to the scope of veterinary treatment, including some comparison to other jurisdictions, is presented in the following sections.

Provision of veterinary treatment and exemptions for unqualified persons

Section 3 of the VP Act defines veterinary treatment as:

- the diagnosis, treatment or prevention of a disease, injury or condition in an animal
- the administration of an anaesthetic to an animal
- the castration or spaying of an animal
- the carrying out of a prescribed artificial breeding procedure on an animal
- any other act or activity of a kind declared by the regulations to be veterinary treatment.

As mentioned previously in this paper, pursuant to Section 39 of the VP Act, it is an offence for non-veterinarians to perform acts of veterinary treatment for fee or reward. This provision ensures that animals are only treated by those people qualified to do so. The VP Regulations (Regulation 6(c)), however, exempts the treatment of an animal by unqualified persons in a number of circumstances including by a registered (human) health professional (physiotherapists, medical practitioners, dental practitioners and chiropractors) in accordance with the directions of a veterinarian.

Accordingly, only a veterinarian can diagnose, treat or prevent a disease, injury and condition in SA and specified human health professionals can only treat an animal if doing so in accordance with the directions of a veterinarian. The only other state to exempt human health practitioners from providing veterinary treatment is the NT. However, treatment in the NT may only occur if a veterinarian has examined the animal before treatment is undertaken and the treatment is carried out under the direct supervision of a veterinarian. This is also similar to the UK whereby physiotherapy is only permitted if it occurs under the direction of a veterinarian who has examined the animals and prescribed the treatment of the animal by physiotherapy (note: 'physiotherapy' in the UK encompasses all kinds of manipulative therapy including chiropractic and osteopathy).

These provisions within the VP Act and Regulations are in place to ensure that animal health, safety and welfare is protected, as although highly qualified in their chosen human health field, such qualifications, skills and experience are not directly transferrable to animals just as veterinarians cannot transfer their qualifications, skills and experience to provide treatment to human patients. Some human health professionals however have obtained additional qualifications specific to animals.

Human health professionals are only one type of animal care provider who offer services which are not considered 'traditional acts of veterinary science', yet by legal definition, some aspects of their services may potentially constitute veterinary treatment in SA. The range of qualifications and skills these providers possess vary significantly. Accordingly, the risk they pose to animal health, safety and welfare also varies depending on both the type of service offered and the expertise of the individual. Some animal care providers are human health professionals with or without post-graduate animal specific training, some possess tertiary or certificate level qualifications specific to animals, while some are minimally qualified or completely unqualified. Examples of such providers include:

- physiotherapists (human and animal specific), chiropractors and osteopaths

- other body workers, manual therapists or massage therapists (including sports massage)
- farriers
- hoof trimmers, including cattle hoof trimmers and podiotherapists
- nutritionists
- behaviour and other trainers
- providers offering services such as thermal imaging, muscle/myofascial release, acupuncture, emmett technique, masterson method, neurostimulation and therapies including laser, bower, craniosacral, photonic (red light), vibration, salt, and shock wave therapy
- homeopaths and naturopaths
- artificial breeding operators
- livestock pregnancy scanners
- equine dental technicians
- anaesthesia free dental hygienists

Of these providers, only registered human health professionals (physiotherapists, chiropractors and osteopaths) are registered with the Australian Health Practitioner Regulation Agency (AHPRA). However, regulation by AHPRA only applies to the treatment of humans and does not extend to the provision of services to animals.

All other providers listed are unregulated by legislation in Australia although individuals may be members of certain professional associations. Membership associations however do not register or regulate their members although may require members to meet certain requirements relating to qualifications and/or conduct.

When assessing if it appropriate for certain animal care providers to be able to provide veterinary treatment, or specific aspects of veterinary treatment, it must be recognised that these providers are not subject to the requirements imposed on veterinarians, including the requirement to be registered, adhere to a code of conduct, to hold indemnity insurance, and be subject to a disciplinary process. While a multi-modal approach to health care can offer significant benefits in the management of animals, the risk to animal health, safety and welfare and the public interest must not be compromised.

It is essential that the definition of veterinary treatment in the VP Act is contemporary, fit for purpose and in keeping with the intent of the Act. Provisions should not inadvertently prevent or limit some services being provided if it is not appropriate for them to be considered acts of veterinary treatment. Furthermore, it is also important that clarity is provided to animal care providers in regard to the specific services to animals they may legally offer if there is any concern or confusion as to if the service may constitute an act veterinary treatment.

Question 15: Is the definition of veterinary treatment contemporary and does it adequately reflect the provision of services appropriate to be delivered by veterinarians in the interests of protecting animal health, safety and welfare and the public interest? Yes or no? Please explain the reasons for your answer.

Question 16: Should any types of non-veterinary animal care service providers be able to provide first-line veterinary treatment, or aspects of veterinary treatment, to animals (not including the administration of drugs or performing surgery)? Yes or no? If yes, what providers (and/or qualifications), what procedures specifically, and why?

Exclusions from the definition of veterinary treatment

Regulation 5(2) excludes specific procedures from the VP Act's definition of veterinary treatment. These procedures include some livestock husbandry procedures, which may be performed by contractors, and

procedures provided by livestock pregnancy scanners and equine dental technicians. The current exclusions are:

- the deworming of an animal other than by intranasal oesophageal tube
- the performance of the Mules operation on sheep*
- the dehorning of cattle or sheep if the animal is less than 6 months of age*
- the castration of cattle, sheep or pigs if the animal is less than 3 months of age*
- the tailing of lambs that are less than 3 months of age*
- the treatment of an animal for ectoparasites
- the treatment of footrot in sheep or goats by foot-paring or foot-bathing
- the vaccination of livestock
- the diagnosis of pregnancy of an animal by ultrasound or by testing of blood or milk (other than the diagnosis of pregnancy of a horse by ultrasound); and
- equine dentistry other than restricted equine dentistry (note: restricted equine dentistry means equine dentistry involving the administration of an anaesthetic, sedative or analgesic)

**the alignment of these exclusions with the State's animal welfare legislation, and other jurisdictions, is discussed on page 25 in the section 'Alignment with the animal welfare legislation'*

Australian jurisdictions vary in what procedures are excluded from the definition of veterinary treatment. Exclusions of procedures, which may be offered for fee or reward, in one or more other jurisdictions include:

- pregnancy testing of cattle and buffalo by rectal examination
- spaying cattle using the Willis Dropped Ovary Technique (subject to approval)
- scaling and polishing the teeth of animals
- non-invasive massage

Question 17: Are there any procedures performed on animals, that currently fall within the VP Act's definition of veterinary treatment, that you believe should be excluded in the VP Regulations? Yes or no? If yes, which procedures and why?

Declared acts of veterinary treatment

As per the definition of veterinary treatment, the VP Act allows for the VP Regulations to declare any act or activity to be veterinary treatment.

VP Regulation 5(1) prescribes two types of artificial breeding procedures as veterinary treatment in SA; namely laparoscopic artificial insemination and laparoscopic transfer of embryos as per the definition of veterinary treatment relating to prescribed artificial breeding procedures.

Some other Australian jurisdictions are more prescriptive in defining a range of procedures to be veterinary treatment thereby specifically excluding them from being performed by anyone who is not a veterinarian. Some of these are listed below:

- examination or attendance on any animal for diagnosing the physiological or pathological condition of the animal, including for diagnosing pregnancy in a horse
- carrying out any treatment, procedure or test involving the insertion of anything into certain body cavities (nasal passage, nasal sinuses, thoracic cavity, abdominal cavity, pelvic cavity, urethra, cranial cavity, spinal canal, tooth alveolar cavity, eye, orbital cavity, tympanic cavity joint spaces, or any other synovial cavity of any animal other than an insertion:
 - into an animal's mouth or oesophagus
 - into the rectum of an animal other than a horse

- the removal of immature antlers in velvet from deer
- microchipping of horses
- dental procedures on animals other than horses
- dental procedures on horses involving an incision through the skin or oral mucosa, extraction of a tooth by repulsion or entry below the gum line
- acupuncture procedures
- uterine swabbing of mares
- ova or embryo transplants
- examination for pregnancy by rectal palpation or rectal probe and ovarian examination per rectum
- carrying out any treatment, procedure or test on an animal that, according to current standards of veterinary science practice, to avoid harm or suffering to the animal, should not be undertaken without anaesthetising the animal (other than by a topical anaesthetic) or without sedating or tranquilising the animal

Question 18: Are there any procedures that should be explicitly specified in the VP Regulations that they are only to be performed by veterinarians? Yes or no? If yes, which procedures and why?

Alignment with animal welfare legislation

Some of the above veterinary treatment exclusions in SA no longer align with SA's *Animal Welfare Regulations 2012*, which were amended in 2017 to include new welfare provisions for a number of common husbandry procedures used in for cattle and sheep. The amendments were made to align with the nationally approved Australian Animal Welfare Standards and Guidelines for Cattle and for Sheep, agreed to be legislated in all states and territories by Agricultural Ministers. To ensure legislative consistency both within SA and nationally, the current exclusion wording for veterinary treatment in the VP Regulations are proposed to be revised as follows:

- the performance of the Mules operation on sheep if the animal is more than one day of age and less than 12 months of age (*no age limits currently included*);
- the dehorning of cattle if the animal is less than 12 months of age or sheep if the animal is less than 6 months of age (*currently less than 6 months for both cattle and sheep*);
- the castration of cattle or sheep if the animal is less than 6 months of age, or pigs if the animal is less than 21 days of age (*currently less than 3 months for cattle, sheep and pigs*); and
- the tailing of lambs that are less than 6 months of age (*currently less than 3 months*).

Any persons conducting these procedures should have sufficient knowledge, skills and experience in order to carry them out effectively in order to minimise pain and the risk of infection. The negative effects of these procedures on animals is increased with the age of the animal, mainly because as the anatomical structures removed have an increased supply of nerves and blood. Accordingly, the animal welfare standards and guidelines specify that these procedures on larger and older animals are to be conducted by veterinarians with appropriate administration of anaesthetic, sedatives, analgesics and/or antibiotics. Veterinarians may also use antibiotics to prevent or treat bacterial infections of wounds. Many of the anaesthetics, analgesics and antibiotics are Schedule 4 medications, and can only be used or prescribed by veterinarians.

Question 19: Do you support the proposed alignment of the VP Regulations with the Animal Welfare Regulations 2017 with regards to mulesing (sheep), dehorning (cattle, sheep), castration (cattle, sheep, pigs) and tailing (lambs)? Yes or no? Please explain the reasons for your answer.



**Government
of South Australia**

Department of Primary
Industries and Regions