



Animal Care and Protection Bill 2022
Submission to the Queensland Parliament
State Development and Regional Industries
Committee

Submission of the
Australian Veterinary Association Ltd

June 2022

The Australian Veterinary Association (AVA)

The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. The AVA consists of over 8500 members who come from all fields within the veterinary profession. Clinical practitioners work with companion animals, horses, farm animals, such as cattle and sheep, and wildlife. Government veterinarians work with our animal health, public health and quarantine systems while other members work in industry for pharmaceutical and other commercial enterprises. We have members who work in research and teaching in a range of scientific disciplines. Veterinary students are also members of the Association.

Summary

The AVA welcomes the opportunity to input into the State Development and Regional Industries Committee Inquiry into the *Animal Care and Protection Bill 2022*. The *Animal Care and Protection Act* (ACPA) is essentially an excellent Act and the first in Australia to include duty of care provisions as well as cruelty. Continuous improvement is the hallmark of excellence, and the AVA welcomes the opportunity to review how it can be improved.

The AVA has been involved in the review of this legislation over recent years and is pleased to see the Bill as the outcome of this review and consultation process. The AVA's initial submission can be found [online](#)¹.

Discussion

Many of the recommendations and contributions that the AVA has made throughout the review process have been adopted in the resulting Bill before Parliament. As such, we are broadly in support of the Bill.

Below we focus on a number of key areas where we seek to provide further input for the consideration of the Committee and the Parliament.

Euthanising sick or injured animals by veterinary surgeons

The AVA is pleased to see the amendment for the insertion of the new section '41B Euthanising sick or injured animals by veterinary surgeons' into the Act. In our submission to the review of the ACPA, we strongly argued for this.

All other states and territories except Western Australia give veterinarians the legal authority and indemnity against prosecution to euthanise injured or sick animals where it is deemed cruel to keep them alive. The AVA has been in discussion for many years to change this situation in Queensland.

The current situation is that seriously suffering animals are not allowed to be euthanised by veterinarians unless the animal owner gives permission. While there has been some interpretation that the duty of care provisions provide an obligation for treatment, the term 'treatment' is not defined and is widely interpreted as helping an animal get better, not euthanising it. The current situation is not clear as it is in other jurisdictions, where veterinarians are given specific permission in the legislation to

¹ <https://www.ava.com.au/member-updates/submissions/submission---review-of-qld-animal-care-and-protection-act-2001/>



euthanise animals where it is cruel to keep them alive but the owner cannot be contacted or is unknown.

With the passage of this amendment, there will be a real impact on the welfare of animals in this situation because their potential suffering will not be unnecessarily prolonged.

Approved cattle procedures accreditation schemes

The Bill seeks to adjust the powers of people to spay cattle and perform pregnancy checks in cattle. Under the provisions in the Bill, the chief executive of the Department will be empowered to approve cattle procedures accreditation schemes. These procedures are defined in the Bill as:

(a) spaying cattle using the Willis dropped-ovary technique; or

(b) testing for pregnancy in cattle using—

(i) rectal palpation; or

(ii) transrectal ultrasound.

Spaying cattle

With respect to spaying cattle, the AVA position is that surgical spaying must not continue to be performed once non-invasive (medical) means of controlling oestrus and conception in cattle become commercially available (we understand that this is expected to occur in the near future). It is important that this caveat is included in the Bill so that surgical spaying becomes illegal once the alternatives are available.

Until that time, any lay person undertaking spaying must be trained, accredited, and operate under the supervision of a registered veterinarian. The Willis Dropped Ovary Technique (WDOT) is the only form of surgical spaying that is permitted to be performed by the lay person. Appropriate and effective analgesia must be used every time the procedure is performed.

Training should involve a suitable National Training Package unit of competency and maintaining accreditation through additional regular training (at least every 36 months). The lay people conducting spaying must be authorised by the relevant Veterinary Surgeons Board. In authorising the lay person, the Veterinary Surgeons Board must nominate a supervising veterinarian who is of geographical relevance and skilled in surgical spaying.

Finally, lay people should not be empowered to certify the spay status of the cattle.

Pregnancy testing cattle

The AVA supports the undertaking of pregnancy testing of cattle under certain circumstances. Any lay person undertaking pregnancy testing must have received a Statement of Attainment in a suitable Australian Qualifications Framework Unit of Competency (AHCLSK339 - Pregnancy test livestock (Release 1)). Additional training is required on a regular basis with the above qualification being valid for 36 months (3 years) from the date of course completion.

Where a lay person conducts pregnancy testing, they must be authorised by the relevant Veterinary Surgeons Board and work under the direction of a PREGCHECK registered veterinarian.



Further, lay people are unable to certify the pregnancy status of the cattle.

Recommendation

- That the Bill be amended to:
 - Require regular (at least every 36 months) retraining of non-veterinarians authorised to spay or pregnancy test cattle.
 - Require them to be authorised by the Veterinary Surgeons Board
 - In the case of spaying, require the non-veterinarian to be restricted to using the WDOT and work under the supervision of veterinarians nominated by the Veterinarian Surgeons Board who are of geographical relevance and skilled in surgical spaying. Analgesia must be used for every procedure.
 - In the case of pregnancy testing, require the non-veterinarian to work under the direction of a PREGCHECK registered veterinarian.

Meaning of veterinary science and use of animals for scientific purposes

There must be appropriate legislation and enforcement in all states and territories to ensure that the welfare of animals used in research, field trials and teaching is adequately protected. The principles in the *Australian Code for the Care and Use of Animals for Scientific Purposes* as amended from time to time should form the basis of the regulatory control of animal experimentation as a minimum.

We have specific concerns with the amendment to the meaning of ‘veterinary science’ in regard to the exemption for use of animals for scientific purposes. This largely rests on how the proposed legislation is implemented. It should not be a blanket exemption, but instead should be conditional upon the institutions employing sufficient numbers of appropriately experienced veterinarians to adequately supervise procedures being performed on animals by lay operators.

There are two main roles for veterinarians in the oversight of use of animals for scientific purposes:

- As a member of an animal ethics committee (AEC)
- As an institutional or facility veterinarian

Veterinarians in either capacity must be registered with an Australian veterinary board.

In the case of facility veterinarians, these must be employed in sufficient numbers to adequately supervise animal interventions. Facility animal welfare officers (AWOs) should also be veterinarians.

Veterinarians serving as facility veterinarians must be responsible for practical oversight of procedures on animals involving anaesthesia, surgery and other invasive or potentially painful techniques. This is to ensure competency of operators and adequacy of analgesia and other refinements to minimise distress. The facility veterinarian must also have oversight of preventative health, husbandry, diagnostic or treatment interventions, and euthanasia techniques.

AVA policy is that the facility veterinarian should directly assess the competence of researchers and technicians to undertake invasive or potentially painful procedures on animals. This will include direct assessment and approval of surgical technique, as well as anaesthetic and peri-operative analgesic protocols.



Recommendation

- That there is a requirement to ensure adequate veterinary staffing to directly assess and certify competence of researchers to perform acts of veterinary science, including anaesthesia, analgesia and surgical protocols. There must be ongoing presence of facility veterinarians at a sufficient level to adequately supervise animal interventions and monitor the peri-operative welfare of the animals involved.

Contact:

Graham Pratt
National Manager, Advocacy & Campaigns
Australian Veterinary Association
E: graham.pratt@ava.com.au