



Veterinary Services Regulations

PIRSA

Submission of the
Australian Veterinary Association Ltd

May 2025

About the Australian Veterinary Association (AVA)

The AVA is the peak professional body representing veterinary professionals and students across Australia. For more than 100 years we have been the united voice of the veterinary profession.

Veterinarians are among Australia's most trusted and respected professionals, dedicated to safeguarding animal health and welfare and supporting the communities they live in.

Our vision and purpose

Vision *A thriving veterinary profession*

Purpose *Building a vibrant future for veterinary professionals.*

At the AVA we champion the veterinary community, advance professional excellence, foster connectivity, and deliver exceptional member experiences to achieve our vision of a thriving profession.

Essential role of the veterinary profession

Veterinary services are essential to Australia's animal health, food security, and economy. They help secure Australia's animal health and livestock supply chain, protecting hundreds of thousands of jobs and easing cost of living pressures through a safe and reliable food supply.

Beyond agriculture, veterinarians support companion animals and their owners, strengthening the human-animal bond and promoting the associated mental and physical health benefits of pet ownership. Animals are not just a part of the Australian way of life; they are deeply embedded in it - socially, culturally, environmentally, and economically, and veterinarians are an essential part of every vibrant Australian community.

Veterinarians play a pivotal role in maintaining the social licence of animal industries, ensuring animal health and welfare meets community expectations. Like human healthcare and education, veterinary services provide both private benefits to individuals and critical public benefits to society, in areas like biosecurity surveillance, wildlife treatment and health and emergency animal disease management.

Recognised among Australia's most ethical and trusted professionals, veterinarians are highly respected and trusted members of their communities. The Governance Institute of Australia's 2023 Ethics Index ranked veterinarians among the nation's top 10 ethical occupations¹.

1. Governance Institute 2023

(<https://governanceinstitute.com.au/app/uploads/2023/11/2023-ethics-index-report.pdf>)



Executive Summary

The Australian Veterinary Association (AVA) welcomes the opportunity to provide feedback on the proposed Veterinary Services Regulations under the South Australian Veterinary Services Act 2023. The AVA supports the intent to modernise and strengthen the regulatory framework for veterinary services, ensuring it aligns with national best practice, upholds animal welfare, and protects the integrity of the profession. This submission reflects the AVA's long-standing policy positions, professional expertise, and experience across legislative reform processes.

Key recommendations include:

- ensuring consistent scope of veterinary services across jurisdictions;
- adopting clear supervision definitions;
- maintaining rigorous standards for services involving dental, reproductive, and invasive procedures;
- clarifying accountability for activities undertaken by non veterinarians; and
- ensuring fair, transparent, and proportional complaints and disciplinary procedures.

The AVA also calls for regulatory readiness to address emerging technologies such as Artificial Intelligence in clinical settings.

Introduction

The AVA is pleased to provide our submission which is informed by our core policy on restricted acts of veterinary science, prior submissions to state and federal regulatory reform processes - including our 2023 response to the Draft South Australian Veterinary Services Bill - and the professional expertise of our members across clinical, research, and regulatory settings.

The AVA strongly supports the intent of the proposed Regulations to modernise veterinary practice oversight in South Australia and to uphold the principles of animal welfare, accountability, and professional competence. In this submission, we respond to the consultation questions with a view to:

- ensuring that veterinary services are clearly defined and consistently applied across jurisdictions;
- supporting safe, ethical and equitable delegation of responsibilities to non veterinarians;
- reinforcing effective governance mechanisms for the Board and regulatory oversight; and
- ensuring complaint, compliance and disciplinary processes are fair, transparent, and proportional to risk.



Question responses and justifications

1. Is there any other conduct that should be considered within the scope of unprofessional conduct and that constitutes an offence that is not already covered by parts (a) to (d)? Please provide justification as to why.

Veterinary Services Act 2023—7.12.2023—uncommenced

unprofessional conduct includes—

- (a) improper or unethical conduct in relation to professional practice; and*
- (b) incompetence or negligence in relation to the provision of veterinary services; and*
- (c) a contravention of—*
 - (i) a provision of this Act; or*
 - (ii) a code of conduct or professional standards prepared or endorsed by the Board under this Act; and*
- (d) conduct that constitutes an offence punishable by imprisonment for 1 year or more under this or any other Act or law; and*
- (e) conduct that constitutes an offence prescribed by the regulations;*

Response:

The AVA recommends that unprofessional conduct should also explicitly include:

- Knowingly delegating restricted acts of veterinary science to unqualified or unsupervised individuals.

Justification:

This addition reflects the AVA's concerns about risks to animal welfare and public safety when standards of professional practice and accountability are not upheld.

Recommendation:

- The AVA supports the below PIRSA proposal, and further to this suggests that “professional misconduct” could also be a separate category of unprofessional conduct and be defined as conduct which might justify suspension or cancellation of registration.

“It is also proposed that the above list of complaints and conduct be defined as “unsatisfactory professional conduct” with the intent that such conduct represents a subset of “unprofessional conduct” that can be appropriately addressed by powers available to the Board”. PIRSA Discussion paper

- Consideration should be given to harmonisation with other jurisdictions around unprofessional conduct. ***To assist this, a paper is provided authored by a legal academic with subject matter expertise which includes how this is managed in other jurisdictions. Please also refer to the Appendix of this document for additional resources that may assist.***



2. Should extracorporeal shock wave therapy be included in the definition of ‘veterinary service’? Please provide justification as to why.

Response:

Yes, extracorporeal shock wave therapy (ESWT) should be included in the definition of ‘veterinary service’.

Justification:

ESWT involves targeted, high-energy waves for therapeutic purposes and can have systemic physiological effects. As such, it should only be performed under veterinary oversight to ensure animal welfare and proper application. Also refer to the justifications in Q3 and Q4 responses.



3. Are there any other services (acts, activities, procedures, treatments etc.) that should be prescribed by the regulations to be included in the definition of ‘veterinary service’? Please provide justification as to why.

Under s3 of the VSA, a veterinary service means service which forms part of the practice of veterinary surgery or veterinary medicine and includes-

- “(a) the diagnosis of a disease or physiological condition, in, or an injury to, an animal; and*
- (b) the medical treatment of an animal;*
- (c) the administration of an anaesthetic to an animal;*
- (d) the performance of an invasive or surgical procedure on an animal; and*
- (e) the castration or spaying of an animal; and*
- (f) the performance of a dental procedure on an animal; and*
- (g) any other act or activity of a kind prescribed by the regulations to be a veterinary service, but does not include anything excluded from the ambit of this definition by the regulations.”*

Response

The AVA policy related to acts of veterinary science can be adopted to apply to the definition of “veterinary services”, where an ‘act of veterinary science’ means services which form part of the practice of veterinary surgery and medicine, and includes:

- the diagnostic confirmation of, treatment of, and provision of management advice for infectious disease, physiological dysfunction, psychological dysfunction and injury in animals;
- performing invasive or surgical procedures on animals;
- administering anaesthetics to animals;
- the exercise of prescribing rights for veterinary chemicals, medicines or poisons which may be restricted by scheduling or registered label; and
- the provision of veterinary certificates.

In addition to the broad categories listed above, the range of procedures which the AVA believes should only be performed by registered veterinary surgeons includes:

- stomach tubing or oesophageal intubation of horses
- artificial insemination and embryo transfer of horses and camelids
- pregnancy testing of horses and camelids by rectal examination
- microchip insertion in horses
- sampling of tissue from live animals
- laparoscopic insemination
- general anaesthesia
- the carrying out of any treatment, procedure or test that involves the insertion of anything in the nasal passage, nasal sinuses, thoracic cavity, abdominal cavity, pelvic cavity, cranial cavity, spinal cavity, tooth alveolar cavity, eye, orbital cavity, tympanic cavity, joint spaces or any other synovial cavity of any animal
- the performing of any dental procedure on any animal other than manual rasping on a horse performed by a person with an appropriate Certificate IV qualification
- the performing on a horse of any dental procedure that involves: making an incision through the skin or oral mucosa or entry below the gum line; extracting a tooth by



repulsion; or any other activity to maintain or restore correct dental function (except basic hand filing and rasping performed by a person with an appropriate Certificate IV qualification)

- the performing on a horse of any dental procedure that involves the use of a power tool
- cattle spaying by flank or dropped-ovary method
- signing any certificate or other document prescribed by or under any Act which requires the signature of a veterinary surgeon or veterinary officer in respect of the certification of disease status, including freedom from disease of any animal or animal product.

Justification

The performing of acts of veterinary science must be restricted to registered veterinary practitioners, in order to protect the health, safety, and welfare of animals.

Veterinary practice acts and regulations within Australia must define and legislate acts of veterinary science consistently across jurisdictions, to protect animals and the community.

The AVA position is that a formal degree in veterinary science, registrable within Australia, is the minimum acceptable knowledge base and skill set necessary to perform acts of veterinary science (veterinary services) competently. This minimum standard is in place to protect animals and the community, with the veterinarian uniquely qualified to make evidence-based diagnoses, to manage patients before, during and after procedures, and to understand the systemic impacts of medical or surgical interventions on the individual patient. This level of knowledge and expertise is essential in order to minimise adverse welfare consequences and yield successful outcomes for the patient.

Of particular concern are invasive procedures with the potential for serious animal welfare or health implications, such as use of animals in research, use of power tools in equine dentistry, pregnancy testing of cattle, and cattle spaying.

Recommendation:

- Regulations must clearly define what is “a dental procedure”.
- The SA Regulations should consider adopting similar definitions and guidance found in regulations of other jurisdictions.

The [Policy consideration paper](#) provided for the recently drafted *WA Veterinary Practice Regulations* contains information related to dentistry (*extract below*), and includes the wording shown in bold that would be supported by the AVA for adopting in the SA Regulations.

The regulatory approach for dentistry and the outcome of defining dentistry as an act of veterinary medicine considered the requirement to diagnose disease, which is an act of veterinary medicine (and an act of veterinary medicine which may be carried out by an authorised person) and which is an important component of dentistry.



Diagnosis and treatment of dental disease may require specialised equipment, provision of anaesthesia and/or pain relief where relevant, and a high level of knowledge and skills achieved through necessary training.

- ***All small animal dentistry (excluding tooth brushing and flossing) is an act of veterinary medicine.***

AVA Policies

[Restricted acts of veterinary science](#)

[Licensing of veterinarians](#)

[Recommended key principles for veterinary practice acts in Australia](#)



4. Is there any other act or activity that should be prescribed by the regulations to be excluded from the definition of veterinary service? Please provide justification as to why including:
- the relationship or potential relationship to the veterinary service definition in the VS Act
 - why the service does not need to be exclusively provided by a veterinarian.
- In particular:
- are there any other procedures relating to reproduction (artificial breeding procedures or pregnancy diagnosis) that should be excluded?
 - are there any other dental procedures that should be excluded?
 - are there any pig husbandry procedures that should be excluded?

PIRSA Discussion paper includes the following references to “supervision” and also “directions”

In relation to Section 49(2)(b) of the VS Act, it is proposed that the following circumstances are prescribed so that the offence in Section 49(1) does not apply:

*The provision of veterinary services to an animal by a medical practitioner or dentist under the **supervision** of veterinarian*

*The provision of veterinary services to an animal, under the **direct supervision** of a veterinarian, by a person who is undertaking a course of instruction to obtain a qualification approved or recognised by the Board for the purposes of registration under the Act*

*The administration of an anesthetic, drug or vaccine to an animal by a person in accordance with the **directions** of a veterinarian*

*Scaling and polishing the teeth of an animal, under the **direct supervision** of a veterinarian, by a person in the ordinary course of their employment at a veterinary premise*

*The administration of a substance to an animal (being an act that would otherwise constitute veterinary services), under the **supervision** of a veterinarian, by a person in the ordinary course of their employment at a veterinary premise*

*Wound care (including dressing and bandaging), under the **supervision** of a veterinarian, by a person in the ordinary course of their employment at a veterinary premises*

Response

The AVA holds the position that there are some areas of veterinary services (referred to as acts of veterinary science) that may be exempt (excluded/prescribed circumstances) from being performed only by registered veterinarians. Nevertheless, the principle of protection of the animal should underpin any exemptions.



The AVA's positions around exemptions/exclusions/prescribed circumstances include:

Research

The *Australian code for the care and use of animals for scientific purposes*

8th edition requires a program of veterinary care to be established wherever animals are to undergo procedures that include acts of veterinary science. It also requires researchers to be assessed and certified as competent to undertake these procedures. Though implementation of these requirements currently varies under legislation in different states, the Veterinary Practice Acts Review Taskforce agreed that the minimum requirement should be the need for veterinary oversight where any act of veterinary science was to be undertaken.

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.

Husbandry

Some acts of veterinary science are routinely performed on livestock species by lay persons, and veterinary practice legislation may grant exemptions for these procedures. In this case, it is essential that any associated compulsory standards such as age restrictions, requirements for competence, and use of analgesia are observed and enforced.

Veterinary students, veterinary nurses and veterinary technologists

Veterinary practice legislation may grant an exemption for veterinary students, veterinary nurses and veterinary technologists to perform acts of veterinary science under the direct supervision of a registered veterinary surgeon.

Paraprofessionals (including veterinary nurses and veterinary technologists)

Paraprofessionals are a person to whom particular aspects of professional tasks can be delegated, under the responsibility and direction of a veterinarian. The tasks for each category of veterinary para-professional should be defined by the states'/territories' veterinary board depending on qualifications and training, and in accordance with need. (Adapted from the [OIE definition](#)).

In some limited circumstances, appropriately trained and licensed paraprofessionals may perform specified acts of veterinary science but must be under the supervision of a veterinarian who is responsible for their work. Whether this supervision is direct, or indirect, will vary with the relative risk of the procedures to be performed. For example, a veterinarian should directly supervise and provide sedation during a manual rasp and file of a horse's teeth by a Certificate IV level lay equine dental service provider. Veterinarians assisting, employing or supervising laypersons must be available to assess, correct and intervene as required, and remain ultimately responsible for the animal's health and welfare.

Justification

All veterinarians practising in Australia are required to be registered with a veterinary registration board and to comply with veterinary practice and other relevant legislation in each jurisdiction. Through this registration, veterinarians are robustly regulated and held to account for their actions. Any alleged breach of professional conduct is subject to investigation and may result in a range of remedial actions by the Veterinary Board including



direction to undertake specific professional or personal development and reflective practice activities, imposing conditions on the practitioner's registration for a period of time, fines, suspension, or where high continued risk exists, removal of a veterinarian's right to practice.

The AVA holds the position that all animal health service providers, including veterinarians, paraprofessionals and non-veterinary animal health providers should be appropriately regulated to ensure adequate animal welfare and consumer protection.

Where there is the legislated ability of "prescribed circumstances" (Veterinary Services Act 2023 49 (2) (b)), which enables a person other than a registered veterinarian to perform veterinary services eg vet students or vet nurses, this requires defined levels of veterinary supervision to be addressed in the regulations. Where non-veterinarians are providing veterinary services, this raises the question regarding risk and liability. Clear guidance around liability for the prescribed circumstance and the supervising or directing veterinarian is required.

Definitions:

Licensed non-veterinary animal health providers

For non-veterinary animal health providers there should be an assessment undertaken to determine which are performing tasks that are higher risk, and/or of a higher quality that would allow for a licencing system to be established. This licencing should be through a governmental agency and should include veterinary input into complaints that relate to animal health care. They should not be licenced to perform tasks that are determined to be restricted acts of veterinary science.

Unregistered non-veterinary animal health providers

For all other non-veterinary animal health providers legislation needs to be introduced which includes a code of conduct that applies to all unregistered animal health service providers and allows for complaints to be heard against the providers. This model is already in place in human health legislation ([Public Health Acts](#)) where there is a code of conduct that applies to anyone providing a health service who is [unregistered](#). Complaints for these human health providers can be made to the Health Care Complaints Commission, who can investigate, and if deemed appropriate the practitioner prohibited from continuing to offer the service.

The intention of the code is to set out the minimum practice and ethical standards with which unregistered animal health service providers are required to comply. The code of conduct informs consumers what they can expect and the mechanisms by which they may complain about the conduct of, or services provided by, an unregistered animal health service provider.

The key aspects of the code should be that the unregistered animal health provider:

- must provide animal health services in safe and ethical manner
- must not provide animal health services that are outside of their experience or training, or that they are not qualified to provide.
- must not mislead or deceive their clients as to their competence or ability to provide treatment.
- must recognise the limitations of the treatment they can provide and refer clients to another animal health provider or a registered veterinarian in appropriate circumstances.



- must recommend to their clients that additional opinions and services be sought, where appropriate.
- must encourage their clients to inform their veterinarian (if any) of the treatments their animals are receiving.
- must ensure that appropriate first aid is available to deal with any misadventure during any procedures being carried out by them on animals
- must obtain appropriate emergency veterinary assistance in the event of any serious misadventure during a procedure on an animal.
- must adopt standard precautions for infection control
- must not dissuade clients from seeking or continuing with treatment by a registered veterinary practitioner
- should communicate and co-operate with colleagues and other animal health service providers, veterinarian and government agencies in the best interests of their clients and their animals.
- must not practise under the influence of alcohol or drugs
- must not practise with certain physical or mental conditions
- must not financially exploit clients
- be required to have an adequate clinical basis for treatments
- must keep appropriate records
- must keep appropriate insurance
- must not use, sell or supply schedule 4 or 8 pharmaceuticals without proper authorisation.

The agency who investigate the complaint needs the power to:

- issue an order prohibiting the person from providing animal health services for a period of time
- issue an order placing conditions on the provision of health services
- provide a warning to the public about the provider and their services.

Recommendations:

- The SA Regulations should adopt definitions for “Supervision” aligned to those that are used in the [WA draft Veterinary Practice Amendment Regulations 2024](#)

3A. Personal supervision

A person (a supervised person) carries out an act of veterinary medicine under personal supervision if —

- (a) before the supervised person carries out the act, a veterinarian instructs the supervised person in relation to the act; and
- (b) the veterinarian directs the supervised person to carry out the act; and
- (c) while the supervised person carries out the act, the veterinarian —
 - (i) is present; and
 - (ii) oversees and evaluates the carrying out of the act; and
 - (iii) if required, provides further instruction, guidance or assistance to the supervised person in relation to the act; and
- (d) the supervised person carries out the act in accordance with the veterinarian’s instructions and guidance.



3B. Direct supervision

(1) A person (a supervised person) carries out an act of veterinary medicine under direct supervision if —

- (a) before the supervised person carries out the act, a veterinarian instructs the supervised person in relation to the act; and
- (b) the veterinarian directs the supervised person to carry out the act; and
- (c) while the supervised person carries out the act, the veterinarian —
 - (i) remains on the premises where the act is carried out; and
 - (ii) provides appropriate oversight and evaluation of the carrying out of the act; and
 - (iii) if required, provides further instruction, guidance or assistance to the supervised person in relation to the act; and
- (d) the supervised person carries out the act in accordance with the veterinarian's instructions and guidance.

(2) A requirement to carry out an act of veterinary medicine under direct supervision is satisfied if the act is carried out under personal supervision.

3C. General supervision

(1) A person (a supervised person) carries out an act of veterinary medicine under general supervision if —

- (a) before the supervised person carries out the act, a veterinarian instructs the supervised person in relation to the act; and
- (b) the veterinarian directs the supervised person to carry out the act; and
- (c) while the supervised person carries out the act, the veterinarian —
 - (i) is present in the State and is available to be consulted in relation to the carrying out of the act; and
 - (ii) if consulted, provides any further instruction or guidance to the supervised person that is required in relation to the act; and
- (d) the supervised person carries out the act in accordance with the veterinarian's instructions and guidance.

(2) A requirement to carry out an act of veterinary medicine under general supervision is satisfied if the act is carried out under —

- (a) personal supervision; or
- (b) direct supervision.

- The definition for “Directions” provided by a veterinarian is required, for the same reasons that “Supervision” requires clear definition; to provide clarity for the directing veterinarian around risk and liability associated with the veterinary service being performed by a non-veterinarian.
- The SA Regulations should include guidance around liability where “prescribed circumstances” enable non-veterinarians to provide veterinary services



AVA Policies

[Restricted acts of veterinary science](#)

[Regulation of animal health service providers](#)

[The diagnosis and treatment of animals by non-veterinarians](#)

[Veterinary nursing](#)

- **are there any other procedures relating to reproduction (artificial breeding procedures or pregnancy diagnosis) that should be excluded?**

The AVA does not believe that any acts of veterinary science should be excluded from being performed by, or under the direct supervision of a registered veterinarian.

The AVA position is that a formal degree in veterinary science, registrable within Australia, is the minimum acceptable knowledge base and skill set necessary to perform acts of veterinary science (veterinary services) competently. This minimum standard is in place to protect animals and the community. The veterinarian is uniquely qualified to make evidence-based diagnoses, to manage patients before, during and after procedures, and to understand the systemic impacts of medical or surgical interventions on the individual patient. This level of knowledge and expertise is essential in order to minimise adverse welfare consequences and yield successful outcomes for the patient.

Of particular concern are invasive procedures with the potential for serious animal welfare or health implications, such as artificial breeding procedures of horses, pregnancy testing of cattle, and cattle spaying.

[Surgical artificial insemination in dogs](#)

[Artificial breeding of horses and related species](#)

[Cattle spaying](#)

[Laparoscopic artificial insemination in small ruminants](#)

[Embryo collection and embryo transfer](#)

[Induction of parturition](#)

[Selective breeding based on genetic testing of companion animals](#)

[Brachycephalic dog breeding](#)

- **are there any other dental procedures that should be excluded?**

As outlined previously, the AVA holds the position that the following veterinary services should only be performed by a registered veterinarian

- any dental procedure on any animal other than manual rasping on a horse performed by a person with an appropriate Certificate IV qualification
- any dental procedure on a horse that involves: making an incision through the skin or oral mucosa or entry below the gum line; extracting a tooth by repulsion; or any other activity to maintain or restore correct dental function (except basic hand filing and rasping performed by a person with an appropriate Certificate IV qualification)
- any dental procedure on a horse that involves the use of a power tool

The allowance of non-veterinarians to perform equine dentistry procedures that are veterinary services raises serious concerns regarding animal welfare, training quality and regulatory enforcement.



Poorly trained individuals can cause harm to animals, impacting on animal welfare, undermining professional standards and public confidence.

Lay dental providers are not medically trained and as such, complex diseases and oral pathology (such as periodontal disease, fractures, and pulpal infections) can go undiagnosed and untreated.

There is a risk of inappropriate procedures such as excessive tooth reductions, extractions without analgesia, or improper occlusal adjustments. These can lead to severe discomfort, infection, fractures, or even irreversible damage, with euthanasia being required.

Recommendation:

- Regulations must clearly define what is “a dental procedure”.
- The SA Regulations should consider adopting similar definitions and guidance found in regulations of other jurisdictions.
- The [Policy consideration paper](#) for the recently drafted *WA Veterinary Practice Regulations* contains information related to dentistry, and includes the wording shown in bold that would be supported by the AVA for adopting in the SA Regulations.(refer to Q3 for more details).

AVA Policy

[Equine dentistry](#)

[Guidelines for dental treatment in dogs and cats](#)

[Anaesthesia-free dentistry in dogs and cats](#)

[Dentistry in non-traditional companion animals](#)

- **are there any pig husbandry procedures that should be excluded?**

There are no pig husbandry procedures identified from the information provided that should be excluded



5. Are there any other circumstances in which the offence in Section 49(1) should be disapplied? Please provide justification as to why.

Veterinary Services Act 2023—7.12.2023—uncommenced

49—Veterinary services to be provided by veterinarians

(1) A person must not provide veterinary services for money or other consideration unless, at the time the service is provided, the person is a veterinarian.

Maximum penalty: \$20 000 or imprisonment for 6 months.

(2) of the VS Act disapplies this requirement in relation to:

(a) veterinary services provided by an employee of the owner of the animal in the course of that employment; or

(b) the provision of veterinary services, or veterinary services of a class, in prescribed circumstances

PIRSA Discussion paper page 18

“While wording differs, this section of the VS is similar in intent to Section 39 of the VP Act. Given this, the circumstances prescribed VP Regulation 6 have been considered in scope for regulation under Section 49(2)(b) of the VS Act where still relevant.

*In addition, consideration has been given to veterinary services commonly provided by persons in the course of their employment at a veterinary clinic, hospital or other premise where veterinary services are provided. These persons may not be veterinarians but may provide aspects of veterinary services in the course of their employment, typically **under the supervision of a veterinarian**. Disapplying the offence to provide veterinary services in certain circumstances is considered appropriate so that these persons can lawfully undertake the role they have been employed to carry out”.*

Response:

Circumstances in which the offence in Section 49(1) should be disapplied.

- Emergency care administered by laypersons pending veterinary assistance.

Comment on Section 49 of the Veterinary Services Act

We wish to raise a concern regarding the scope and drafting of section 49 of the Veterinary Services Act, which may inadvertently permit unqualified persons to perform acts defined as "veterinary services" under certain circumstances.

Section 49(1) prohibits the provision of veterinary services for money or other consideration unless the person is a registered veterinarian. However, this formulation implies that if no money or other consideration is exchanged, anyone—regardless of qualifications or training—may legally perform acts of veterinary service. This creates a significant gap in regulatory oversight, particularly in relation to the risks of harm to animals and the public that can arise from unqualified care.



Further, section 49(2)(a) appears to authorise employees of an animal's owner to provide veterinary services in the course of that employment. This exemption is broad and could be interpreted to allow individuals with no veterinary training to carry out procedures or make clinical decisions that ought to be restricted to qualified professionals. While all persons remain subject to general animal welfare laws, those provisions do not sufficiently address the specific risks and responsibilities associated with the practice of veterinary medicine.

Justification:

Supervised practice and emergency relief align with AVA's position on enabling safe care for animal welfare while not endangering public or animal health.

The underlying intent of section 49 should be more clearly articulated. This issue deserves closer attention to ensure the legislation does not unintentionally undermine veterinary standards or animal welfare.

Recommendation:

- As included in response to Q4, the definition of "supervision" must be provided, notably if the intent of disapplying Section 49(1) includes "*under the supervision of a veterinarian*".
- A clearer definition of the circumstances under which exemptions are intended to apply.
- More detailed and prescriptive regulations that narrowly define permissible exceptions, taking into account risk, complexity of the procedure, and training or supervision required.
- Consideration of a tiered framework for delegated or supportive roles, with appropriate safeguards, akin to models used in other jurisdictions.



6. Are there any other capabilities that Board governance training should be required to cover? Please provide justification as to why.
7. Are there any further requirements that should be specified in relation to governance training? Please provide justification as to why.

Response:

Additional capabilities should include:

- Understanding of the veterinary industry landscape (private/public sectors).
- Governance of regulated professions.
- Awareness of mental health and workforce sustainability issues.

Justification:

The Board should be equipped and trained to navigate complex professional, legal, and ethical issues, and reflect the realities of the veterinary profession.



8. Are there any other Board functions that must be exclusively carried out by the Board? Please provide justification as to why.
9. Are there any Executive Officer functions that should be carried out exclusively by the Executive Officer and not further delegated? Please provide justification as to why.

Response:

Functions like setting registration standards, overseeing complaints, and imposing disciplinary action must remain Board responsibilities.

Executive functions (e.g. day-to-day administration) should remain with the Executive Officer, but not include disciplinary powers or rule interpretation.

Justification:

Maintains independence, transparency, and integrity in regulatory decisions.



10. Are there any requirements relating to responsible persons in respect of registered premises in the case of premises owned or occupied by an entity? Please provide justification as to why.

Response:

The AVA supports clear responsibility being assigned to a named registered veterinarian even when premises are entity-owned.

Justification:

Accountability is critical for enforcing compliance with welfare and safety standards.



11. Are there any other circumstances in which the offence in Section 51 should be disapplied? Please provide justification as to why.
12. Are there any other complaints or conduct that are appropriate for the Board to consider? Please provide justification as to why.

Response:

Yes, including:

- Failure to appropriately supervise paraprofessionals.
- Improper certification or documentation.
- Breach of advertising or professional communication standards.

Justification:

Including these would help further protect public trust and professional integrity.



13. Are there certain contraventions of the Act or regulations that are more appropriate to be dealt with by Board resolution than others? Please provide justification as to why.

Response:

Low-level unsatisfactory professional conduct (e.g., minor communication issues or first-time recordkeeping lapses) should be resolved at the Board level.

Justification:

The AVA supports the expansion of the Board's remit to formally consider lower-level conduct issues or misunderstandings that may not warrant formal disciplinary proceedings. This is particularly important in rural settings where complaints may arise due to system-level challenges (e.g., workforce shortages, emergency response fatigue) rather than individual negligence or misconduct. The Board must have the flexibility to resolve such matters with sensitivity, confidentiality, and a view to professional support and education, not just punishment.

This aligns with a two-tiered disciplinary model. SACAT/tribunals should focus on serious or repeated breaches.



14. Are there any complaints or conduct that are not suitable for the Board to consider or are more appropriate to be lodged with the Tribunal? Please provide justification as to why.

Response:

Matters involving:

- Gross negligence
- Criminal acts
- Repeat offences should be escalated to the Tribunal.

Justification:

Supports proportionate disciplinary response and efficient use of resources.



15. Are there any other procedures or matters that should be outlined in the regulations relating to the operation of Part 7 Division 3 of the Act? Please provide justification as to why.

*uncommenced—7.12.2023—Veterinary Services Act 2023
Complaints, investigations and proceedings—Part 7
Certain complaints may be resolved by Board—Division 3*

Division 3—Certain complaints may be resolved by Board

72—Application etc of Division

- (1) This Division applies to a complaint, or complaints of a class, determined by the Board after consultation with the Minister to be complaints that may be dealt with under this Division.*
- (2) The Board must cause notice of each determination, and each variation of a determination, to be published on a website determined by the Board.*
- (3) The Board must, in respect of the operation of this Division, have regard to, and seek to give effect to, the following principles:*
 - (a) the purpose of a Board resolution under this Division is to avoid formal disciplinary proceedings by dealing with a complaint as a question of educating, and improving the future conduct of, the veterinarian concerned;*
 - (b) Board resolution of matters under this Division is to be conducted as expeditiously as possible and without undue formality.*

73—Complaints that may be dealt with under Division

The Governor may, by regulation—

- (a) specify the kinds of complaints and conduct that may, or may not, be the subject of a determination under section 72; and*
- (b) set out procedures for dealing with matters under this Division (including, to avoid doubt, making provision for the conciliation of complaints); and*
- (c) make further provisions relating to the operation of this Division.*

74—Dealing with matters by way of Board resolution

- (1) A matter to which this Division applies is to be dealt with by the Board causing the matter to be referred to the Executive Officer for resolution in accordance with this Division.*
- (2) Despite subsection (1), the Board may determine that a matter is to be dealt with under Division 5 rather than this Division for any reason it thinks fit.*
- (3) Without limiting subsection (1), the Executive Officer must ensure that—*
 - (a) the veterinarian concerned is informed of the complaint made against them;*
 - and*
 - (b) the veterinarian is given the opportunity to admit or deny the allegations contained in the complaint in accordance with any requirements set out in the regulations; and*
 - (c) the veterinarian is given the opportunity to inform the Executive Officer of any information the veterinarian thinks relevant in respect of the matter; and*
 - (d) the complainant is contacted and the Executive Officer—*
 - (i) explains to the complainant that the matter is to be resolved under this Division (including an explanation of the processes involved and*



- possible outcomes); and
- (ii) gives the complainant the opportunity to inform the Executive Officer of any further information the complainant thinks relevant in respect of the matter.
- (4) If an allegation contained in a complaint is not admitted in accordance with the requirements set out in the regulations, the complaint is to be dealt with under Division 5 (and in that case the Executive Officer must remit the complaint to the Board to be dealt with under that Division).
- (5) If—
- (a) the Executive Officer is of the opinion that there would be a benefit in undertaking conciliation between the complainant and the veterinarian; and
 - (b) the complainant and veterinarian each agree to undertake conciliation,
- the Executive Officer must attempt to resolve the matter by way of conciliation.
- (6) In the course of a Board resolution under this Division, the Board may, after consultation with the Executive Officer, take action, or order the taking of action, of 1 or more of the following kinds in respect of the veterinarian:
- (a) accept an undertaking made by the veterinarian;
 - (b) issue the veterinarian with a reprimand;
 - (c) provide the veterinarian with counselling;
 - (d) require the veterinarian to undertake specified remedial education or training;
 - (e) impose conditions on the veterinarian's registration under this Act restricting their right to provide veterinary services or revoke or vary a waiver or modification that applies in respect of the veterinarian's registration;
 - (f) any other action prescribed by the regulations.
- (7) However, the Board may only take action of the kind referred to in subsection (6)(e) if the Board is satisfied that—
- (a) the action is necessary or appropriate to—
 - (i) provide an opportunity for the veterinarian to undertake remedial education or training; or
 - (ii) establish that the veterinarian is competent and capable of carrying out particular duties; and
 - (b) it is appropriate in all of the circumstances to take the action, having considered—
 - (i) the potential impact of the action on the veterinarian concerned; and
 - (ii) the risks to the community of not taking such action.
- (8) If the Board takes action of the kind referred to in subsection (6)(e), the Board must advise the veterinarian of the remedial education or training to be undertaken, and the competencies (if any) required to be demonstrated before the relevant action will be revoked.
- (9) The Board must revoke any action taken under subsection (6)(e) if the veterinarian successfully completes the required remedial education or training and has demonstrated to the Board that the veterinarian is competent and capable of carrying out the duties to which the action relates.
- (10) On completion of a Board resolution under this Division, the Executive Officer must inform the veterinarian concerned and the complainant of the outcome of the Board resolution.



75—Duty of Executive Officer with respect to conflict of interest

(1) If the Executive Officer has a pecuniary or other personal interest that conflicts or may conflict with the Executive Officer's duties under section 74, the Executive Officer must disclose in writing to the Board the nature of the interest and the conflict or potential conflict.

(2) The Executive Officer must comply with any written directions given by the Board to resolve a conflict between the Executive Officer's duties and a pecuniary or other personal interest.

(3) Subsection (1) does not apply in relation to a conflict or potential conflict between the Executive Officer's duties and a pecuniary or other personal interest while the Executive Officer remains unaware of the conflict or potential conflict.

76—Monitoring of Board resolutions

The Board must cause complaints dealt with under this Division to be monitored and reviewed with a view to maintaining proper and consistent practices.

Response:

Part 7 Division 3 of the Act should include procedures for:

- Handling conflicts of interest on the Board
- Publishing summaries of resolved cases
- Establishing independent complaint review panels

Justification:

Inclusion of these enhances transparency and procedural fairness.



16. Are there any other requirements that you think should be specified in the regulations in relation to admitting or denying allegations? Please provide justification as to why.

Response:

Regulations should require:

- Clear timeframes for response
- Written admissions or denials
- Opportunities for voluntary undertakings or mediation

Justification:

The Regulations should require that a veterinarian be told (in writing) that if they do not admit the allegation then the matter must be dealt with by the tribunal.

Regulations should state that the veterinarian should not feel compelled to admit any allegation, just to get the Board to deal with the matter rather than the Tribunal.

It could be considered that the Regs also have a provision where the veterinarian will admit some parts of the allegation but not all parts.

This supports fair and efficient resolution processes, and consistency with natural justice principles.

Comment on VSA 2023 Div 3

The AVA has some questions around how the discussion paper proposes to deal with Section 73 of the Act in specifying circumstances in which the Board may deal with certain complaints. We would welcome the opportunity to discuss this further with PIRSA to understand the intent and whether there are simpler ways of wording it.



Artificial Intelligence (AI) use in veterinary practice

As part of contemporary veterinary legislation reviews, it is critical that regulators actively consider the emerging role of artificial intelligence (AI) in veterinary practice. AI tools are increasingly being integrated into clinical workflows—including applications for note taking, generating differential diagnoses, and assisting with treatment planning. While these technologies have the potential to improve efficiency, consistency, and diagnostic accuracy, they also raise significant considerations around clinical responsibility, data privacy, informed consent, and the integrity and confidentiality of veterinary records.

Veterinary legislation and regulatory frameworks must evolve to address these developments, ensuring clear guidance on the appropriate use of AI while safeguarding professional standards and public trust. This includes defining liability and accountability when AI-informed decisions are made, setting expectations for veterinarian oversight, and protecting against overreliance on algorithmic outputs. Proactive regulation is essential to ensure AI adoption enhances, rather than compromises, animal welfare, client service, and the professional autonomy of veterinarians.



Conclusion

The AVA commends the South Australian Government's commitment to legislative reform that supports a modern, effective, and accountable veterinary regulatory system. As veterinary practice evolves—including through new technologies, changing workforce structures, and increased public expectations—it is vital that regulations are clear, enforceable, and aligned with national standards.

The AVA's recommendations are aimed at strengthening animal welfare outcomes, supporting professional practice, and ensuring regulatory oversight is future-fit. We look forward to continued collaboration in advancing a robust and harmonised regulatory environment for veterinary services in South Australia.

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Appendix

To assist with working toward harmonisation of veterinary legislation, PIRSA may find it helpful to consult the recently published text [Veterinary Law and Practice in Australia](#). This provides information on all Australian jurisdiction veterinary legislation and veterinary relevant Medicines & Poisons legislation. Areas that may especially be of assistance include; professional conduct, functions of Veterinary Boards, registration of premises and telemedicine.