

9th February 2023

Department of Primary Industries & Regions South Australia (PIRSA)

Email: PIRSA.VeterinaryServicesBill@sa.gov.au

RE: Draft Veterinary Services Bill

Animal Care Australia (ACA) is a national incorporated association established to consult with government in advocating for real animal welfare by those who keep, breed and care for animals. Our goal is to promote and encourage high standards in all interactions with the animals in our care.

As a nationally recognised animal welfare organisation the majority of the drafted legislation remains outside of our direct purview, however, we provide the following feedback.

Board appointments and powers

ACA finds this section to be vague and have concerns relating to the ability for ideological influencers to become active on the Board – in the same manner as what has occurred with the Australian Veterinary Association.

Animal Rights has no place in animal welfare or veterinary legislation.

Definition of Veterinary Services

ACA is concerned with the revised definition of veterinary services.

Definition: veterinary service means a 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, and an injury to, an animal; and*
- (b) the medical treatment of animals; and*
- (c) the administration of an anaesthetic to an animal; and*
- (d) the castration or spaying of an animal; and*
- (e) the performance of an **invasive** or surgical procedure on an animal; and*
- (f) 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.*

ACA questions the removal of:

(d) The carrying out of a prescribed artificial breeding procedure of an animal

And replaced with:

(e) the performance of an invasive or surgical procedure on an animal; and

Why has this been changed?

“Currently there is no widely accepted definition of an invasive procedure and the terms ‘surgery’ and ‘interventional procedure’ are characterised inconsistently”.¹

ACA is concerned the change of terminology will have unintended consequences, negatively affecting the pet and companion animal keeping community.

¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6678000/>

In its simplest form, invasive procedures include:

administering hypodermic injections, non-surgical breeding procedures and anal penetrative procedures such as taking an animals temperature.

This highlights the importance that a Veterinary Services Act should include clear definitions and correct medical terminology, and 'invasive' is not one of them.

ACA also questions the separation of castration and spaying as these procedures are also surgical.

ACA finds parts (d) and (e) to be the same and this adds confusion or doubt as to why there would be a proposed distinction.

Therefore ACA strongly recommends parts (d) and (e) be combined to read:

(d) the performance of a surgical procedure on an animal, including castration and spaying; and

Furthermore in Australia artificial insemination (AI) is performed in three ways – all will be deemed as invasive procedures:

1. Transcervical Insemination (TCI) – not reliable and requires 'fresh semen' for greatest success for dogs and cats.
2. Transvaginal Insemination (TVI) – can use frozen or aged semen – but again has a lower success rate for dogs and cats.
3. Surgical Artificial Insemination (SAI) – uses fresh, aged or frozen semen – has the highest success rate for a range of animals.

ACA supports the continued ability for individuals to be able to perform certain procedures including non-surgical AI, under veterinary supervision as prescribed by the proposed Exemptions (Section 95 of the Bill). However, ACA is committed to SAI only being carried out by a veterinary practitioner.

Reviewing and updating Regulations

Raising our levels of concern in relation to this re-wording includes the fact the Regulations may be changed without proper public consultation. ACA acknowledges Regulatory changes must be presented before a Legislative Committee for review, however, we are equally aware that the sitting government designates the Chair and holds the balance of numbers on the Committee – effectively rendering it powerless to object.

Providing veterinarians with more options

ACA notes the report based on the responses to the 2020/21 consultation process raised some reasoning to allow certain other animal service providers, including vet nurses, and vet technicians to perform the simpler treatments currently restricted to veterinarians only. It appears that none of those recommendations have been taken on board in this Draft Bill.

Clearly there is a reason for this exclusion, however it is not outlined in the Explanatory Notes for the Draft Bill. ACA find ourselves respecting both aspects of this issue.

- Veterinarians are overworked and under-staffed and a provision to include additional sources of assistance such as veterinary nurses being able to assist with minor treatments may be a reasonable solution – HOWEVER,
- ACA acknowledges this would require greater consultation and legislative review before such a change could be responsibly implemented. This in turn would open the avenues for potential mal-practice. ACA recognises the need for everyone to 'stay in their lanes' to protect the industry and most importantly the animals. In addition,

- ACA acknowledges the veterinary industry is equally struggling to remain financially viable and the added expense, legal ramifications and incursion of responsibility on individual veterinarians could be insurmountable.

Therefore, ACA strongly recommends the government look to holding an Inquiry into ways to improve the veterinary industry and reduce the burdens on that industry. Amendments following the Inquiry could easily be tabled at a later date.

We thank you for the opportunity to provide feedback. Please do not hesitate to make contact if we can assist further.

Kind regards,

A handwritten signature in black ink that reads "M Donnelly". The signature is written in a cursive style with a large, stylized 'M' and a trailing flourish.

Michael Donnelly
President
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