

## Queensland



### Regulatory Impact Statement for SL 2002 No. 234

#### *Veterinary Surgeons Act 1936*

## VETERINARY SURGEONS REGULATION 2002

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### 1 TITLE

*Veterinary Surgeons Regulation 2002*

### 2 BACKGROUND

- (a) The regulation prescribes acts done for animal husbandry and animal dentistry which are excluded as acts of veterinary science for the purposes of the *Veterinary Surgeons Act 1936* (the Act).

The spaying of cattle can be performed surgically by accessing the ovaries externally via an incision and by access via the vaginal passage either by hand or with a Willis spay instrument. Entering the abdomen through an incision made in the flank of the animal is referred to as flank spaying. Flank spaying has the potential for unacceptable pain or stress to the animal if performed without the administration of pain relieving prescription drugs. Persons other than registered veterinary surgeons are not authorised to possess or administer prescription drugs.

In heifers and undeveloped cows, passage spaying by hand is only possible with the aid of a mechanical device to spread the vaginal passage. This is known to inflict extreme pain to the animal and cause irreparable damage to the vagina. The greater proportion of spaying is performed on undeveloped cattle where the procedure requires the use of spreaders.

The Willis dropped ovary technique is acknowledged as the least invasive and least stressful method of cattle spaying and is quicker, simpler and more economical than the alternative methods. The procedure causes minimum temporary discomfort

which does not justify anaesthesia. A proposal to recognise the Willis technique in the Australian Model Code of Practice for the Welfare of Animals as the preferred method of cattle spaying is currently being progressed nationally.

- (b) Schedule 3 lists the fees prescribed under various provisions of the Act. The current level of cost recovery will be insufficient to cover the costs of the additional obligations of the Board resulting in an annual loss of income which has the potential to threaten the Board's ability to administer the provisions of the Act.

The Board is a member of the Australasian Veterinary Boards Council Inc. which has duties associated with skills recognition of overseas veterinary graduates and administration of the Australian National Veterinary Examination, both functions have been devolved to the Council by the Commonwealth government from 1 July 2000.

The Council also has responsibility for accreditation of veterinary degrees recognised for purposes of registration of veterinary surgeons in Australia and overseas and assessment of veterinary specialist qualifications.

The costs associated with these responsibilities including establishment and administration costs is levied on the individual Boards on the basis of the number of veterinary surgeon registrations.

Amendments to the Act made through the *Primary Industries Legislation Amendment Bill 2002*, commencing December 2001, will further increase the board's costs due to an addition in Board membership of a layperson to provide a consumer perspective. These new costs have been introduced as a result of legislative amendment and cannot be met from current revenue.

The relevant legislation consists of the following—

- *Veterinary Surgeons Act 1936*
- *Veterinary Surgeons Regulation 1991*.

### **3 AUTHORISING LAW**

The legislation is authorised under the *Veterinary Surgeons Act 1936*.

Section 2A(3) provides that the meaning of veterinary science does not include an act done for animal husbandry or animal dentistry prescribed under a regulation not to be veterinary science.

Section 15 provides for the funds of the Veterinary Surgeons Board and section 37(e) gives regulation making powers for fees payable under the Act.

## **4 POLICY OBJECTIVES**

### **4.1 What is the problem being addressed through regulation?**

The primary objective is to carry forward the majority of the provisions of the existing regulation. The secondary objective is to amend the regulation in certain respects.

### **Restricting the exclusion of spaying of cattle as an act of veterinary science to the Willis dropped ovary spay technique**

- (a) The regulation prescribes certain acts done for animal husbandry and animal dentistry which are excluded as acts of veterinary science for the purposes of the *Veterinary Surgeons Act 1936*. This allows persons who are not registered veterinary surgeons to perform these procedures for fee or reward. As only registered veterinary surgeons can legally access prescription drugs, the excluded procedures which can be performed by non-veterinarians should be limited to those which do not require the administration of pain relieving anaesthetics. They should also be procedures which do not have the potential to cause stress to the animal or post-operative complications.

Age limits apply in the schedule of excluded acts of veterinary science for the procedures of castrating, dehorning, tailing and mulesing of particular species to accord with the Australian Model Code of Practice for the Welfare of Animals. In the interests of animal welfare the performance of these procedures on animals outside the age limits applied requires the administration of anaesthetic.

Cattle spaying by surgical methods is an excluded procedure with no age limits applied. The regulation is non-specific on the method of the spaying. The common method is to access the ovaries through the vaginal passage using the Willis spay instrument. In larger cows the ovaries can be accessed by

insertion of the hand in the vaginal passage. The remaining method is performed by external entry to the body cavity through an incision made in the flank of the animal.

Flank spaying is highly invasive and is potentially painful and stressful to the animal both during its performance and post-operatively when secondary infection can occur. In extensive farming of cattle, post-operative inspection can not always be undertaken. Infection not detected prior to slaughter results in condemnation of by-products. Flank spaying also results in hide damage and adhesions can cause complications in the slaughter process.

Passage spaying by hand when spaying heifers and small cows requires the use of mechanical spreaders to widen the passage. Use of spreaders is considered to be painful and stressful to the animal even more so if the result is the tearing of the vaginal walls.

The Willis spay method is accepted as the quickest, simplest and least stressful means of spaying. With this method of spaying, the hide is not damaged and required restraint is minimal. The technique has been widely adopted by industry as it is the most economical means of surgical spaying.

In the interests of animal welfare, the exclusion of surgical cattle spaying as an act of veterinary science needs to be limited to the Willis method. The flank entry method if required, for instance in a case of the animal being too heavily in calf or too small for passage spaying, should be performed by registered veterinary surgeons using appropriate prescription drugs for anaesthesia and infection combatant.

### **Amendment of the schedule of fees to allow for full recovery of costs of new responsibilities devolved from the Commonwealth and an increase in Veterinary Surgeons Board membership**

- (b) The schedule of fees payable under the Act requires revision so that it reflects a level commensurate with the costs incurred by the Veterinary Surgeons Board in administering the Act and fulfilling the Board's associated obligations.

All moneys received by the Board are paid into the funds of the Board and all costs associated with the administration of the Act

are paid by the Board from its funds. The Act provides that consolidated revenue funds may be apportioned after Governor-in-Council approval if the Board's funds are insufficient for the purpose of administering the Act. Since introduction of the Act in 1936 there has been a need for an injection of consolidated revenue funds for continuing regulation of the Act only during the first three years of its existence when fund reserves had not accumulated. The cost of regulating the practice of veterinary science has since been borne by the profession itself.

The fees applied under the Act have in the past been subject to annual increase in accordance with the Consumer Price Index (CPI) increase. The current arrangements to deliver cost recovery will prove insufficient for the increasing costs incurred by the Board resulting in an annual loss of income which has the potential to threaten the Board's continuing ability to administer the Act. Insufficient reserves of funds could influence the Board's deliberations as to whether professional misconduct charges should be referred to the Veterinary Tribunal for hearing.

As a respondent can claim a recoupment of the costs incurred in defending a charge and subsequent District Court appeal (five figure amounts), in the absence of a reserve of funds the Board would be reluctant to refer any charge to the Tribunal unless it was sure of a positive outcome. Suitable reserves of funds are required to avoid such restrictions being placed on the Board. The funding of the Board should continue to be borne by the veterinary profession itself.

The Board's financial commitment to the Australasian Veterinary Boards Council Inc (AVBC) has increased significantly since the incorporation of the Council.

The AVBC has existed informally since 1984 and was formally incorporated in 1999. Its purpose is primarily to advise and make recommendations on the accreditation of veterinary schools and of courses leading to a veterinary degree, the suitability for practice in Australia and New Zealand of persons with foreign veterinary qualifications and the uniform criteria for recognition of qualifications for registration as a veterinary surgeon and veterinary specialist.

Funding of the AVBC Inc is derived from an annual subscription from council members being the individual state and New

Zealand boards calculated on a per capita basis of veterinary surgeons registered in the authority.

The costs associated with these responsibilities, including establishment and administration costs, are levied on the individual boards on the basis of the number of veterinary surgeon registrations. Queensland currently has the second highest number of registrations (2000) but has the lowest annual registration fee (\$81). The current levy is equal to 19.2% of the annual registration fees paid by individual registrants to the Board. Prior to devolution of Commonwealth responsibilities the levy was 5.2% of the registration fee. All other Australian registration authorities have raised their registration fee to meet their increased national commitment. The fees levied by bordering states are New South Wales (2300 registrants) \$260, Northern Territory (170 registrants) \$100, and South Australia (500 registrants) \$175.

Prior to incorporation the Victoria Board acted as secretariat for the AVBC and a large proportion of the administration costs were borne by that Board. Incorporation saw the establishment of an independent office of the AVBC with the associated additional and substantial costs of accommodation, staff, equipment, goods and services.

The AVBC Inc was also burdened with new responsibilities. In accordance with Commonwealth Government policy of devolution of assessment of overseas trained professionals to the professions, the AVBC adopted responsibility for skills assessment of overseas veterinary graduates and administration of the National Veterinary Examination (NVE) effective 1 July 2000. Some transitional funding was given by the Commonwealth up to the period ending 30 June 2002.

Veterinary registration revenue must now meet not only the Queensland Board costs incurred in administering the Act but also a percentage of the national costs incurred in the assessment of the qualifications of overseas veterinarians, veterinary degree courses in Australia and overseas and veterinary specialist qualifications, and the operations of a national office.

The national costs are for new services which have not been structured into the fee schedule and which without funding will quickly diminish the Board's funds reserve to a level where apportionment from consolidated revenue will be required.

Further, the result of recent amendments to the *Veterinary Surgeons Act 1936* (December 2001) is that Board membership has been increased and a broader regulation of veterinary premises is now required due to the removal of restrictions on ownership of veterinary practices.

Attendance fees of Board members will therefore increase as will travel costs. To date as Board members have by chance resided in south-east Queensland, air travel and overnight accommodation costs have been avoided. Future Board members may reside in the north or western regions of the state and meeting attendance will incur substantial additional costs.

Revision of the fee schedule will include the scheduling of a nominal fee for the lodgement of premises approval applications as provided by the Act. A small fee now applies only to those applications where premises require inspection due to their designation or ownership by non-veterinary surgeons.

Currently the cost of processing premises applications is paid from the sum of the annual registration fees collected from all veterinary surgeons, disregarding the fact that not all veterinary surgeons practice from veterinary premises and from December 2001, non-veterinary surgeons can apply for approval for veterinary premises.

#### **4.2 What are the risks controlled in the public interest?**

The risks being controlled in the public interest are—

- (a) unacceptable standards of animal welfare and potential for economic loss due to death of animals and loss of marketable products;
- (b) ineffective regulation of the *Veterinary Surgeons Act 1936* to ensure competent provision of veterinary services by qualified persons resulting in monetary contribution from consolidated revenue funds derived equally from owners of animals and non-owners.

#### **4.3 Case for Government involvement**

The Government has an obligation to ensure low cost consumer and animal welfare protection in the provision of veterinary services.

#### **4.4 Consequences of not adopting the solution**

The consequences of not enacting the proposed amendments to the regulation are—

- (a) allowing the performance of invasive surgical procedures on cattle which can cause pain and suffering to the animal with the potential for infection to cause death or loss of marketable products;
- (b) funding of the Veterinary Surgeons Board to regulate the veterinary profession from public funds without discriminating between the animal owning public and non-animal owning public.

### **5 LEGISLATIVE INTENT**

#### **5.1 Intended effect of proposed legislation—what rights, liabilities or obligations will it change or establish?**

##### **Restricting the exclusion of spaying of cattle as an act of veterinary science to the Willis dropped ovary spay technique**

- (a) The proposed amendment of the spaying of cattle exclusion will remove the right for non-veterinarians to perform contract surgical spaying by any method and will restrict their method of spaying to the Willis technique.

It is not an offence against the *Veterinary Surgeons Act 1936* if a person practices veterinary science other than for a fee or reward. This means that owners of stock or property managers will not be affected by the amendment. The *Veterinary Surgeons Act* does not prevent persons from performing acts of veterinary science on their own animals.

In terms of regulation, the provisions of the *Animal Care and Protection Act 2001* would apply in these circumstances.

Spaying by flank incision or passage spaying by hand are uneconomical procedures and the incidence of their performance commercially is thought to be almost nil. Contract passage spaying is commonly performed by the Willis dropped ovary technique.

### **Amendment of the schedule of fees to allow for full recovery of costs of new responsibilities devolved from the Commonwealth and an increase in Veterinary Surgeons Board membership**

- (b) Any increase in the fees levied on veterinary surgeons will impact only on the veterinary surgeons themselves.

The annual renewal of registration fee of \$81 for both veterinary surgeons and veterinary specialists provides 75% of the Board's revenue. The daily cost of registration to a veterinary surgeon on the basis of a five day week, forty-eight week year is currently 34 cents. This is not an amount that could be considered as a cost factor when determining charges for veterinary services provided to clients. The proposal is to increase the annual renewal of registration fee to \$110 which brings the daily cost to 46 cents per day. Any increase in client charges by veterinarians could not be justified on the basis of the proposed increase in annual registration fee.

The initial application for registration fee is a once only fee as is the restoration fee which applies to veterinary surgeons who are penalised for not paying annual fees. Other fees apply to individuals when applying for approvals to practise under direction and for duplicate certificates of registration. A premises fee currently applies only if an inspection of the premises is required after initial application for approval is made.

It is proposed to increase the initial registration fee from \$35 to \$50 and the penalty fee for non-payment of annual registration from \$63 to \$90. All premises applications will attract a nominal application fee of \$100. No annual renewal fees will apply to premises. The remaining fees which have limited usage will increase to reflect cost recovery.

No rights, liabilities or obligations will change or be established by the proposed amendment.

### **5.2 Who is likely to be affected?**

#### **Restricting the exclusion of spaying of cattle as an act of veterinary science to the Willis dropped ovary spay technique**

- (a) Non-veterinary contract providers of surgical spaying services;

- (b) registered veterinary surgeons;
- (c) stock owners.

**Amendment of the schedule of fees to allow for full recovery of costs of new responsibilities devolved from the Commonwealth and an increase in Veterinary Surgeons Board membership**

- (a) registered veterinary surgeons.

**5.3 Reasons for a regulatory approach**

**Restricting the exclusion of spaying of cattle as an act of veterinary science to the Willis dropped ovary spay technique**

- (a) The *Veterinary Surgeons Act 1936* requires that procedures excluded from the definition of veterinary science be prescribed.

**Amendment of the schedule of fees to allow for full recovery of costs of new responsibilities devolved from the Commonwealth and an increase in Veterinary Surgeons Board membership**

- (a) Regulation of the *Veterinary Surgeons Act 1936* demands that fees be prescribed for the various provisions of registration and approvals.

**6 CONSISTENCY WITH THE AUTHORISING LAW**

**6.1 Policy objective of authorising legislation**

The *Veterinary Surgeons Act 1936* acts in the public interest as a means to ensure domestic and international consumer protection and animal welfare, in the delivery of veterinary services.

**6.2 General objective of the proposed amendment regulation**

The general objective of the proposed regulation is—

- (a) to amend the list of procedures excluded as acts of veterinary science in terms of the *Veterinary Surgeons Act 1936*;
- (b) to revise the schedule of fees payable under the *Veterinary Surgeons Act 1936*.

### **6.3 Specific objectives of the proposed amendment regulation**

The specific objective of the proposed regulation is—

- (a) to restrict the performance of contract surgical spaying of cattle by non-veterinary surgeons to the Willis dropped ovary technique;
- (b) to increase the level of fees payable under the *Veterinary Surgeons Act 1936* and to schedule a fee for application for premises approval as provided by section 25A(2)(c) of the Act.

Initial registration fee as a veterinary surgeon would increase from \$35 to \$50 and annual renewal of registration fee for surgeons and specialists from \$81 to \$110. The fee for an application for premises approval would be a nominal \$100 with an additional \$200 for premises requiring inspection (ie, hospitals and premises in ownership of welfare groups and non-veterinarians). The remaining scheduled fees which have limited usage will increase to reflect cost recovery.

### **6.4 Contribution of the proposed regulation to achievement of overall objectives of the authorising legislation**

The proposals are consistent with the objectives of the *Veterinary Surgeons Act 1936* to ensure animal welfare and consumer protection and to provide that regulation of the veterinary profession is funded by the profession itself.

## **7 CONSISTENCY WITH OTHER LEGISLATION**

The proposed regulation is consistent with other legislation regulating professions.

## **8 OPTIONS AND ALTERNATIVES**

### **Restricting the exclusion of spaying of cattle as an act of veterinary science to the Willis dropped ovary spay technique**

The following options have been identified—

- (a) no change;
- (b) authorisation for non-veterinary surgeons to possess scheduled drugs;

- (c) restricting the method of surgical cattle spaying by non-veterinary surgeons.

**Amendment of the schedule of fees to allow for full recovery of costs of new responsibilities devolved from the Commonwealth and an increase in Veterinary Surgeons Board membership**

The following options have been identified—

- (a) no change;
- (b) reinstatement of Commonwealth Funding;
- (c) reliance on CPI Increases;
- (d) resignation from Australasian Veterinary Boards Council Inc;
- (e) increased fees to reflect cost recovery.

**Restricting the exclusion of spaying of cattle as an act of veterinary science to the Willis dropped ovary spay technique**

**8.1.1 No change**

The option of no change does not address the animal welfare issue where cattle are potentially subjected to pain and suffering.

The option of no change to the regulation is not an acceptable alternative if the removal of the threat to animal welfare is to be achieved.

**8.1.2 Authorisation for non-veterinary surgeons to possess scheduled drugs**

For reasons of public health and safety, possession and use of scheduled drugs is restricted to authorised persons including veterinary surgeons. Authorisation for individuals to possess scheduled drugs can be granted in certain circumstances but only where the activities of the person can be monitored and where there is supervision and suitable processes are in place to control the use of the drugs.

Authorisation of contract spay operators would be difficult to justify on the basis that such safeguards would not normally be in place.

Authorisation for this procedure would provide a precedent which could have the potential to negatively influence decisions made in respect to applications for authorisations in all other areas of veterinary science.

The non-availability of scheduled drugs to persons other than registered veterinary surgeons is an essential component of the effective regulation of the *Veterinary Surgeons Act 1936*.

Authorisation of non-veterinary surgeons to possess scheduled drugs for the purpose of spaying cattle is not an acceptable option.

### **8.1.3 Restricting the method of surgical cattle spaying by non-veterinary surgeons**

The recognition of the Willis method of spaying cattle as the only method of surgical cattle spaying which can be undertaken for fee or reward by non-veterinarians will address the animal welfare concerns in the commercial performance of the procedure by other methods without impinging on an individual's ability to perform the procedure by other methods if no fee or reward is involved.

In the circumstances of no fee or reward, the provisions of the *Health (Drugs and Poisons) Regulation 1996* and the *Animal Care and Protection Act 2001* must be relied upon to ensure animal welfare.

## **Amendment of the schedule of fees to allow for full recovery of costs of new responsibilities devolved from the Commonwealth and an increase in Veterinary Surgeons Board membership**

### **8.2.1 No change**

The option of no change does not address the concern that the funds of the Veterinary Surgeons Board will be eroded to a point where injection of public funds will be required so as to ensure the *Veterinary Surgeons Act 1936* is effectively regulated.

### **8.2.2 Reinstatement of Commonwealth funding**

Devolution of responsibility for assessment of overseas trained veterinary surgeons and conduct of the National Veterinary Examination from the Commonwealth government to the Australasian Veterinary Boards Council Inc was the result of the Commonwealth initiative to devolve such responsibility to all professions.

Transitional funds and expertise were provided but will cease on 30 June 2002.

The Commonwealth considers that the professions themselves should be charged with the responsibility for assessing the qualifications of persons wishing to migrate to Australia to be employed in those professions. This policy suggests that the Commonwealth does not consider that such assessment should be a component of government spending.

It is doubtful the Commonwealth would consider reversing its policy for the veterinary profession alone.

### **8.2.3 Reliance of Consumer Price Index (CPI) increases**

Annual CPI increases address the rising costs of goods and services occasioned by inflation but not the cost of providing additional services or meeting additional costs due to legislative amendment.

This alternative would not achieve the objective of the regulation.

### **8.2.4 Resignation from Australasian Veterinary Boards Council Inc**

This option would result in considerable savings as the annual levy payable to the Council would be avoided.

Queensland would however have no voice in national issues and uniformity in eligible qualifications for veterinary registration would not be assured. Non-representation on the AVBC would affect the ease and cost of registration of Queensland veterinary surgeons across border and overseas and potentially could result in loss of accreditation of the Queensland veterinary science degree as an eligible qualification for registration without further examination.

The option of resignation from AVBC is not in the best interests of the profession or the community.

### **8.2.5 Increased fees**

An increase in the fees payable under the *Veterinary Surgeons Act 1936* is justified given the additional services being provided and the additional financial commitments resulting from the recent amendments to the *Veterinary Surgeons Act 1936*.

The option would address the current annual loss being incurred through regulation of the Act and meeting of national commitments.

### 8.3 Analysis of Options

#### Cattle spaying

Option	Likelihood of success		
	Low	Moderate	High
No change	X		
Authorisation of non-veterinarians to possess prescription drugs	X		
Restricting the method			X

#### Fee schedule

Option	Likelihood of success		
	Low	Moderate	High
No change	X		
Commonwealth funding		X	
Reliance on CPI increases	X		
Resignation from AVBC Inc		X	
Increased fees			X

### 8.4 Identification of best option

It is clear from the analysis of alternative approaches that the only options which offer a high likelihood of achieving the objectives are—

- (a) to recognise spaying of cattle by the Willis spay technique as the only surgical method excluded as an act of veterinary science; and
- (b) to increase the fees scheduled under the *Veterinary Surgeons Act 1936*.

## 9 COST BENEFIT ASSESSMENT

### 9.1 General impacts on Government, business and community

The proposed amendments to the regulation will impose additional minor costs on business in registration fees for veterinary surgeons and administrative costs to non-veterinary providers.

A limited number of non-veterinary spay operators may require training in the Willis spay technique. The number of such operators remaining in the business community if any is few.

Although it is not possible to quantify the costs and benefits to these non-veterinary operators, it is acknowledged that the benefits of being able to provide a cattle spaying service that meets animal welfare concerns would far outweigh any minor costs to these providers.

Restriction of contract surgical cattle spaying to the Willis technique will ensure animal welfare and will benefit cattle owners in-so-far as there will be a saving in income resulting from mortalities and loss of marketable products.

The impact on veterinary surgeons through an increase in registration fees will be insignificant given the current low cost as compared to registrants elsewhere in Australia. The annual increase in fees will not be an amount which could reasonably represent a component of client charges for veterinary services.

Government and the community will benefit by alleviating the need to use public funds to regulate the veterinary profession.

The veterinary profession will continue to benefit through the Australian veterinary boards' ability to adjudge whether veterinary graduates meet the appropriate competency standards required to practise in Australia.

## **9.2 Impacts on Government**

While the proposed amendments will not impose costs on government, there will be a qualitative benefit to government in meeting its animal welfare obligations and not allocating public funds for the regulation of the veterinary profession.

While animal welfare and financial accountability will be promoted, they will be slightly negatively impacted upon from a business perspective.

## **9.3 Impacts on business**

Significant net benefit to the veterinary profession will be derived from the Veterinary Surgeons Board's continued ability to efficiently regulate the *Veterinary Surgeons Act 1936* which prohibits non-registered persons from practising veterinary science for fee or reward.

Non-veterinary providers of spaying services may require training in the Willis spay method.

#### **9.4 Impacts on the community**

There will be positive impact on the community from consumer protection ensuring welfare assured veterinary services are provided only by qualified veterinary surgeons thus providing a further need for veterinary surgeons to remain in the regional and remote areas of the state.

Continuing regulation of the veterinary profession without the requirement for input of public funds or an increase in client charges will be beneficial to the community.

#### **9.5 Cost/benefit**

##### **Costs/benefit to registered veterinary surgeons**

The proposal is to increase the initial registration fee for veterinary surgeons from the current \$35 to \$50 and to increase the annual renewal of registration fee from the current \$81 to \$110. The limited use conditional registration fees, specialist registration fees and restoration of registration fees will increase to reflect cost recovery. All veterinary premises applications will attract a nominal fee of \$100 with an additional \$200 for a Board inspection of the premises.

##### **Costs/benefit to non-veterinary providers conducting cattle spaying**

There are likely to be minor non-financial costs to non-veterinarian spaying contractors in attaining and maintaining adequate skills in the Willis dropped ovary method. Such contractors are few in number as none can be identified by industry. Proficiency in the Willis method comes with experience and experience can only be attained by working with proficient operators, either veterinary and non-veterinary.

The exemption from veterinary science of the Willis dropped ovary method of cattle spaying will allow non-veterinary providers to spay cattle while meeting their animal welfare obligations. The benefits are not quantifiable because the number of persons likely to elect to employ non-veterinary providers rather than use veterinary surgeons to surgically spay cattle is not identifiable.

**Cost/benefit to the community**

The community will benefit from continued legislative control over persons practising veterinary science in the State. Cattle producers will benefit by being able to choose on a cost basis whether to employ veterinary or non-veterinary contractors equally proficient in the Willis spay method or continue to spay their own cattle by their preferred method.

**Cost/benefit to Government**

The only costs to government are the costs of establishing the regulation, estimated at \$20,000, and the ongoing administrative costs for registration and costs incurred in meeting statutory obligations in administration of the legislation that will be met by the Board.

The benefits to government while not being easily quantifiable will be in meeting the responsibility of government to effectively administer veterinary surgeons in the State. The proposed regulation amendment will also reinforce the animal welfare duty of care obligations, which should enhance the credibility of the government.

**9.6 Argument for proceeding with the proposed regulation**

There are no other options identified that are likely to ensure the welfare of cattle undergoing surgical spaying.

There are no other options identified that are likely to ensure the veterinary profession continues to be regulated at no cost to the community.

**10 FUNDAMENTAL LEGISLATIVE PRINCIPLES**

The proposed regulation does not infringe on the rights and liberties of individuals and applies equally to all persons.

**11 NATIONAL COMPETITION POLICY****What is the impact of the proposed legislation on competition—ie to what extent does it impose or encourage any restrictions?**

The proposed amendment to the regulation will have a minor impact on the ability of non-veterinary surgeons to perform surgical spay procedures on cattle for a fee or reward.

**Do associated benefits outweigh costs from an economy-wide perspective?**

It is considered that the benefits to government, industry and the community of introducing the proposed amendments far outweigh any minor costs imposed.

**If there are restrictions, how and why are they in the public interest?**

The restriction imposed will be that surgical spaying of cattle must be performed by the Willis spay technique or by registered veterinary surgeons using prescription drugs to ensure animal welfare.

It is in the public interest to ensure that animals owned by individuals are not treated cruelly and that there is no threat of post surgical complications necessitating further cost and loss of income.

The amendment addresses public expectations for government to ensure that acceptable standards of animal welfare are maintained.

**How do the competitive impacts of the proposed legislation compare with any reasonable alternative?**

There is no reasonable alternative that is likely to achieve the objectives of the proposed regulation.

**12 RISK ASSESSMENT****Have the risk levels inherent to the situation being regulated been formally assessed?**

The risks inherent to the performance by a non-veterinarian of a surgical spay procedure on cattle for fee or reward and ineffective regulation of the legislation due to funding constraints have been assessed and are addressed by the proposed amendment to the regulation.

Is the regulation responsive to the assessed risk, or does it respond to the perceived risk?

The regulation is responsive to the assessed risks to animal welfare associated with non-veterinary spaying services and to ineffective regulation of the legislation due to funding constraints.

**Does the regulation allow for compliance options which are reflective of the assessed level of risk?**

The proposed amendment to the regulation requires future compliance with the provisions of the *Veterinary Surgeons Act 1936* by commercial providers of cattle spaying services and payment of scheduled fees by veterinary surgeons.

**Does the enforcement effort (through measures like inspection, sampling and monitoring) target the areas of greatest risk as a priority?**

The enforcement effort targets all acts of veterinary science and will include surgical spaying of cattle.

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ENDNOTES

1. Laid before the Legislative Assembly on . . .
2. The administering agency is the Department of Primary Industries.