



RIS Ref: DAF862-0718

File Ref: DOC18/1143

18 July 2018

Ms. Margot Ricardo  
Principal Policy Officer  
Department of Agriculture and Fisheries  
PO Box 1080  
CABOOLTURE QLD 4510

Dear Ms. Ricardo

**Consultation Regulatory Impact Statement: Cattle pregnancy testing and ovarian scanning, for commercial purposes and scientific research, by laypersons**

Thank you for your enquiry of 3 July 2018 and further information provided 12 and 17 July 2018, seeking advice on the adequacy of the 'Cattle pregnancy testing and ovarian scanning, for commercial purposes and scientific research, by laypersons' Consultation Regulatory Impact Statement (RIS).

**Background**

Under the *Veterinary Surgeons Act 1936* (the Act) performance of an “act of veterinary science,” such as pregnancy testing for fee or reward, is restricted to registered veterinary surgeons. This is known as the ‘practice restriction.’

Due to concerns from some agricultural and cattle industry stakeholders, that such restrictions limit the availability of service providers, the Department of Agriculture and Fisheries (the Department) determined to examine the appropriateness of the practice restriction as it relates to:

- pregnancy testing of cattle by laypersons, by both rectal palpation and transrectal ultrasonography, for fee or reward
- ovarian ultrasound scanning performed by laypersons, under an Animal Ethics Committee (AEC) approval provided for under the *Animal Care and Protection Act 2001*.

The RIS presents three options for investigation:

1. retain the practice restriction—wherein it would continue to be an offence for laypersons to conduct either pregnancy testing of cattle or transrectal ovarian scanning for fee or reward
2. remove the practice restriction for pregnancy testing and transrectal ultrasound ovarian scanning—enabling any laypersons to legally provide cattle pregnancy testing services for fee or reward and perform transrectal ovarian scanning under an AEC approval
3. introduce an accreditation scheme which would enable only approved laypersons to conduct pregnancy testing of cattle for fee or reward, in addition to registered veterinary surgeons. Laypersons would also be able to perform transrectal ovarian scanning under an AEC approval.

The RIS presents Option 3 as the preferred option. The Department considers this option will deliver a net benefit to the community with no diminution in animal welfare outcomes.



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## Assessment

The Queensland Productivity Commission (the Commission) notes the Department has provided a discussion of the key considerations related to cattle pregnancy testing in the RIS, along with a discussion of whether the practice restriction is justified. In addition, the RIS presents the Department's assessment of the potential impacts of each option, including whether they improve the availability of suitably qualified pregnancy testers in the market while providing adequate animal welfare protections.

The RIS discusses the known positions of various stakeholders on the matter, including the Australian Veterinary Association and AgForce. The Commission notes the Department proposes, as part of the RIS consultation process, to release a survey to collect further information on the issue from stakeholders.

Finally, the RIS provides the Department's assessment of why Option 3 is the preferred option.

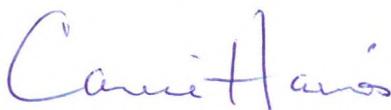
Given these points, the Commission considers the RIS is adequate for the purposes of public consultation. Consultation with stakeholders will likely assist the Department to develop the proposal, including:

- verifying the options analysis and assessment provided, including whether the stated costs and benefits are likely to be realised
- collecting feedback on whether the preferred option is likely to be the one that generates the greatest net benefit to the community as a whole
- collecting feedback about whether the proposal will have any unforeseen adverse impacts on the sector.

Consistent with the Queensland Government Guide to Better Regulation (the Guidelines), the final Consultation RIS and this letter of adequacy will be published on the Commission's website once the RIS is approved for release. After consultation has concluded, a Decision RIS, incorporating the consideration of public comments, should be provided to the Commission for assessment before the matter is finally referred to Cabinet for decision.

Please contact Sean Mackay, Principal Analyst, on (07) 3035 5149 should you require any additional information or guidance in relation to the above comments or the Guidelines in general.

Yours sincerely



**Carrie Haines**  
Team Leader