



14 December 2018

Queensland Department of Agriculture and Fisheries
By email: bioseclegislation@daf.qld.gov.au

Dear Sir/Madam

RE: CATTLE PREGNANCY TESTING AND OVARIAN SCANNING IN QLD

Please see **attached** Cattle Council's submission in response to the Queensland Department of Agriculture and Fisheries' release of its Regulatory Impact Statement (RIS) associated with *Cattle Pregnancy Testing and Ovarian Scanning in Queensland*.

Cattle Council is the peak industry body for Australian grass-fed cattle producers. Its primary task is to create and support policies that benefit the national herd and its owners. The Council is primarily a federated body; AgForce is one of its member organisations.

As stated in the RIS, "under the [Qld] *Veterinary Surgeons Act 1936*, performance of an 'act of veterinary science' such as pregnancy testing for fee or reward is restricted to registered veterinary surgeons" (p. 3).

On the Queensland cattle industry's behalf, AgForce is seeking the removal of this 'practice restriction' to allow Queensland cattle producers a greater choice of service providers.

This being a Queensland issue notwithstanding, Cattle Council recognises its potential ramifications nationally and its importance as a basic principle of choice, provided standards of service are maintained or improved.

At stake are Australia's reputation for supplying accurately diagnosed pregnancy-status cattle to the export and lotfeeding trades, the capacity for the veterinary profession to maintain an on-farm presence, and the maintenance of sound animal-welfare practices.

In providing this submission, Cattle Council has attempted to balance these priorities with the backdrop of a national pregnancy-testing standard being developed for adoption by jurisdictions to cover all pregnancy-testing practitioners operating for commercial purposes. This is a separate project unrelated to that of Queensland's, but worth noting, especially as outcomes from the two projects must be complementary.

Attachment: Cattle Council of Australia submission

Cattle Council of Australia

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Submission – Cattle Pregnancy Testing and Ovarian Scanning by lay persons for Commercial Purposes and Scientific Research

CATTLE COUNCIL'S OVERARCHING POSITION

Of the three options put forward by the Queensland Department of Agriculture and Fisheries (QDAF) in its Regulatory Impact Statement (RIS) entitled, *Cattle Pregnancy Testing and Ovarian Scanning in Queensland*, Cattle Council of Australia supports Option 3, viz:

- *Authorise laypersons to:*
 - ~ *conduct pregnancy testing of cattle under an approved accreditation scheme;*
 - and*
 - ~ *perform transrectal ovarian scanning under an AEC approval.*

Aside from seemingly meeting the desires of the Queensland cattle sector as enunciated in Section 10.3 of the RIS (pp. 42-46), QDAF is noted as appointing this its preferred option. Option 3 also appears to align most closely with AgForce's proposed scheme, known as *TestRight*, which comprises a comprehensive set of parameters for meeting industry expectations, animal-welfare responsibilities and, to a large extent, veterinary priorities.

Having stated its overarching position regarding the options, Cattle Council presents below a number of recommendations for consideration by QDAF; for ease, these recommendations are offered with an assumption a suitably robust and well-resourced scheme will proceed.

INTRODUCTION

Through its RIS, QDAF is examining the appropriateness of the "performance of an 'act of veterinary science' such as pregnancy testing for fee or reward [remaining] restricted to registered veterinary surgeons". The 'practice restriction', as it is described in the RIS (p. 3), is being examined in reference to:

1. more timely access to pregnancy testing services;
2. avoidance of logistical challenges, and associated opportunity costs, as producers await the availability of a veterinarian to conduct pregnancy testing; and
3. some reduction in travel costs charged where long distances are covered by testers.

QDAF offers three options for consideration:


1. status quo
2. remove the practice restriction, or
3. authorise lay persons to:
 - a. conduct pregnancy testing of cattle under an approved industry administered accreditation scheme; and
 - b. perform trans-rectal ovarian scanning under an Animal Ethics Committee approval.

QDAF indicates its preference for Option 3, pending feedback from the public consultation process.

DISCUSSION

Reasons for the RIS

In its RIS, QDAF comprehensively sets out the reasons behind, and advantages from, pregnancy testing. These relate to animal welfare, production management, market requirements, religious beliefs (in foreign markets) and Australia's reputation as a supplier of fit-for-purpose cattle (p. 10f).



Five different methods of pregnancy testing are referenced: rectal palpation, rectal ultrasonography, flank ultrasonography, milk tests and blood tests, with each method varying in its suitability for early testing, foetal aging, anatomical variations between animals, levels of accuracy, costs, time involved and risks associated with performance (p. 11).

Of importance to this RIS, and to the cattle industry and veterinary profession of Queensland, is whether the most appropriate forms of 'commercial' pregnancy testing can be legally assigned to lay operators or should remain restricted to veterinarians¹. If the former is accepted, regulatory change will be required. It is recommended the lay operator be restricted to manual rectal palpation and rectal ultrasonography.

In this submission, Cattle Council of Australia presents a position it believes is in the best interests of cattle producers; the sustained provision of veterinary services is part of this consideration, although balanced against the benefits from access to lay operators.

It should be noted that, as the Queensland cattle industry's representative organisation, AgForce Qld is a member of Cattle Council of Australia under its federated structure and, as such, has input to the content of this submission.

Proposed National Standard

In a separate but somewhat related project currently underway, Cattle Council has joined with the Australian Livestock Exporters' Council and the Australian Lot Feeders' Association to pursue the development and application of an Australia-wide standard for pregnancy testing. Results from this MLA-commissioned work are expected in mid to late 2019.

Referencing this study is important for three reasons:

1. recent history has exposed risks associated with poor performances by some pregnancy testers involved in the livestock export and feedlot trades, and an inadequate tracing mechanism is in place for corrective action to be taken;
2. if changes are adopted by the Queensland Government, it must be cognisant of the need for complementarity with the national standard when it is finally brought in; and
3. Australian Cattle Veterinarians' (ACV) PREgCHECKTM scheme must feature heavily in any future standard, be it at national or State/Territory level.

Proficiency

As with most animal-management practices, skill and proficiency come with knowledge and repetition.

Veterinarians undergo up to six years of university training, equipping them with theoretical knowledge and a base level of practical skill in pregnancy testing. In order to satisfy the requirements for entry into the ACV's PREgCHECKTM scheme, a significantly higher level of proficiency must be demonstrated. PREgCHECKTM-accredited vets need to provide evidence of having completed 2,000 head of pregnancy tests prior to undertaking a stringent practical test on 100 head of cattle, where they must score 100% correct in terms of pregnant/empty and in assessing stage of gestation. To maintain accreditation, PREgCHECKTM vets must provide evidence of having completed 1,000 tests every year.

¹ It is acknowledged that pregnancy testing can already be legally performed by lay operators, but only in the absence of remuneration or commercial gain of any kind.



New lay pregnancy testers, on the other hand, usually lack *theoretical* knowledge, placing them behind veterinarians at the outset, although their practical experience and proficiency may well be high due to numbers done. Accredited lay testers in WA and NT are required only to conduct 500 annual tests as a rolling three-year average.

Both classes of pregnancy testers require high levels of repetition to be considered proficient; based on the point above, it could be argued lay testers require more than vets; certainly not less.

It is useful to note that, from the 2019 spaying (northern-dry) season onwards, lay spayers using the DOT will require accreditation under a newly created accreditation scheme managed by AUSMEAT. Cattle Council pressed for this development in readiness for the Cattle Welfare Standards being introduced by States (including Queensland) and Territories by 2019².

It is entirely feasible for the two accreditation schemes (pregnancy testing and DOT spaying) in the future to be rolled into the one system as two units; other operations (artificial insemination, embryo transfer, semen collection) may also prove to be valid units for later addition.

RECOMMENDATION 1: That, to achieve and maintain accreditation, lay pregnancy testers be required to meet the same practical requirements as vets within the PREGCHECK™ system.

RECOMMENDATION 2: That future consideration be given to incorporating all lay operations involving the reproductive tract into the one accreditation system with relevant modules.

Traceability and other vulnerabilities

‘Traceability’ is used here in reference to the tracing of individual animals and/or of individual testers in the event of non-compliance or false/inconsistent declarations.

Under Section 3.6, QDAF explains in some detail the ‘points of vulnerability’ associated with non-compliance. Evident are problems at each link of the supply chain: producers, exporters, and lay and vet testers; lay testers come in for particular attention under Section 3.6.5.


On page 21, QDAF cites ACV as identifying a wide range of reasons for non-compliance, then states:

Confounding factors need to be eliminated in order to isolate the integrity and competency of the pregnancy testing provider, no matter whether the tester is a registered veterinarian, a PREGCHECK™ veterinarian or a layperson. Without open and cooperative participation of all players in the supply chain, unequivocal identification of the point in the supply chain responsible for the presence of animals without the desired pregnancy status is problematic.

Cattle Council supports the elimination of all ‘confounding factors’ in order for pregnancy testers’ true performance to be recorded and tracked, and is standing by to assist in any way. By providing a clear line of sight between the act of testing and the final outcome post livestock delivery, performance data will truly reflect the testers’ competency levels, with corrective action able to be taken when non-compliance is evident.

It is anticipated the national standard, when developed and implemented, will address these very issues; however, as Queensland regulations are likely to be amended prior to the national standard being finalised, it would be exceedingly useful for the Queensland

² At least one State – South Australia – has already incorporated the Standards into law.



Government to lead the way. A robust traceability mechanism is essential for any future system to succeed.

RECOMMENDATION 3: That QDAF ensure the inclusion of a robust traceability mechanism for livestock and pregnancy testers, and a system for correcting anomalies or ejecting repeat offenders in cases of testers' non-compliance with agreed industry standards.

RECOMMENDATION 4: That, in the event of the Queensland Government introducing State-based changes before any national standard for pregnancy testing is finalised and applied, QDAF be willing to share the results of its chosen model with those developing the national standard.

Supply of pregnancy testers

Much of the northern pastoral zone funnels cattle into, and is dependent on, the livestock export trade. All producers in this zone should therefore, where possible, have similar access to services such as pregnancy testing.

Producers in this zone within Western Australia and the Northern Territory have access to legally sanctioned commercial lay pregnancy testers; producers in the Queensland portion of this zone only have access to accredited vets, which potentially places them at a disadvantage because of distance and time constraints affecting the vets' availability.

The higher the vantage point from which to assess the supply of veterinarians in Queensland, the more it seems supply is adequate. For example, within Table 4 – *Potential demand for pregnancy testing services*, it would appear from a State-wide vantage point there are sufficient PREgCHECK™-accredited vets to meet existing demand across all cattle types. However, at the more granular, regional level, it is evident supply is significantly 'lumpy', leaving some regions far worse off than others (Table 5 – *Indicative number of veterinary providers by natural resource management region*).

It is for this reason Cattle Council falls to the basic premise of 'choice'. The provision of lay pregnancy testers in these regions is supportable, remaining cognisant of the lay pregnancy testing restrictions in the Australian Standards for the Export of Livestock³.

Other matters

Cattle Council acknowledges the commercial benefits to producers Australia wide that flow from good management practices. Pregnant cattle require different management techniques than do empty cattle; likewise, specific management decisions are needed for unwanted pregnancies and 'unwanted empties' in cattle.

Greater accessibility to accredited pregnancy testers will bring greater incentives for producers to manage the pregnancy statuses of their herds, and hence improvements in business sustainability and animal welfare.

As a means of future-proofing this initiative, Cattle Council urges QDAF to ensure sufficient flexibility is built into regulations to allow the adoption of new technologies as they come to hand.

³ It is important to note the following clause in the Australian Livestock Export Standards: *Competent pregnancy testers may only diagnose pregnancy for feeder/slaughter cattle or buffalo by manual palpation and are not approved to use ultrasound diagnoses or the IDEXX pregnancy test. They cannot complete pregnancy testing of breeder or productive cattle or buffalo consignments for any market.*